

STATE OF CALIFORNIA
CENTRAL VALLEY FLOOD PROTECTION BOARD
REGULAR BOARD MEETING

RESOURCES BUILDING
1416 NINTH STREET
AUDITORIUM
SACRAMENTO, CALIFORNIA

Friday, February 15, 2008

8:40 A.M.

KATHRYN S. SWANK, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Mr. Benjamin Carter, President

Mr. Butch Hodgkins, Vice President

Ms. Lady Bug Doherty, Secretary

Ms. Teri Rie, Member

Mr. John Brown, Member

Ms. Lois Wolk, Member, Represented by Ms. Susan Treabass

STAFF

Ms. Virginia Cahill, Legal Counsel

Ms. Deborah Smith, Legal Counsel

Mr. Jay Punia, Executive Officer

Mr. Gary Hester, Chief Engineer

Mr. Geoff Shumway, Staff Assistant

Ms. Lorraine Pendlebury, Staff Assistant

ALSO PRESENT

Mr. Robert Charney, DWR

Mr. Will Chow, West Sacramento Area Flood Control Agency

Mr. Joe Countryman, MBK Engineers

Mr. Thomas Foley, Concerned Citizens for Responsible Growth

Mr. Pete Ghelfi, SAFCA

APPEARANCES CONTINUED

Mr. Mike Inamine, DWR

Mr. Roger Lee, DWR

Mr. Richard Marshall, California Central Valley Flood
Control Association

Mr. Ken Ruzich, RD 900, West Sacramento Area Flood Control
Agency

Mr. Kasey Schimke, DWR

Mr. Scott Shapiro, TRLIA, California Central Valley Flood
Control Association

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1 PROCEEDINGS

2 PRESIDENT CARTER: Good morning, ladies and
3 gentlemen. Welcome to the Friday -- excuse me, well,
4 Friday and February meeting of the Central Valley Flood
5 Protection Board.

6 We'll call the meeting to order.

7 And if General Manager Punia could please call the
8 roll.

9 EXECUTIVE OFFICER PUNIA: Jay Punia, general
10 manager of the Central Valley Flood Protection Board.

11 Except Board Member Teri Rie and Emma Suarez and
12 Rose Marie Burroughs, the rest of the Board members are
13 present. And Susan Treabass is representing Assemblywoman
14 Lois Wolk. And we don't have anyone to represent Senator
15 Steinberg at this time.

16 PRESIDENT CARTER: Okay. Thank you very much.

17 I would also like to acknowledge at this point
18 that we have a couple new members of our staff here.
19 Mr. Gary Hester who is our chief engineer and just started
20 this week with the Board. We're very, very pleased to
21 have Gary on board. We introduced him, I believe, was it
22 January, we introduced him. And Gary, welcome aboard.
23 We're delighted and excited to have you with us.

24 And also, we have a new staff assistant, Geoff
25 Shumway, who is at the dais as well. He's assisting the

1 Board in doing administrative tasks and is Lorraine's
2 right-hand person there. So Geoff, welcome aboard.

3 So with that, we'll move on. We have several
4 minutes to approve, as Item 2. And if I am in error,
5 please correct me. But we have minutes for October 18,
6 19, which were received via e-mail yesterday,
7 December 7th, a special meeting, and December 20th and
8 21st.

9 So the chair will entertain a motion to approve
10 any of those individually or as a group.

11 Actually, we did have one member of the Board,
12 Member Rie, who had some comments about one of the dates.

13 SECRETARY DOHERTY: I thought -- Lorraine, correct
14 me if I'm wrong. I thought it was the October 18th and
15 19th, because Ms. Rye wasn't there. So maybe she meant
16 another date.

17 STAFF ASSISTANT PENDLEBURY: She may have. I
18 don't think she was there.

19 PRESIDENT CARTER: Does it make sense to perhaps
20 table this until Ms. Rie joins us? We are expecting her
21 to join us shortly.

22 SECRETARY DOHERTY: I would rather table it until
23 she's here.

24 PRESIDENT CARTER: Any objections to tabling
25 Item 2 until Member Rie arrives?

1 Okay. We'll go ahead and do that.

2 We'll move on to Item 3, approval of the agenda.

3 Are there any suggested changes to the agenda as
4 published for today?

5 Mr. Punia?

6 EXECUTIVE OFFICER PUNIA: Not -- Jay Punia,
7 Executive Officer of the Central Valley Flood Protection
8 Board.

9 Not a suggested change, but just a comment. There
10 was some concerns expressed about Item 8.B. that it should
11 be outside the consent calendar, but staff has prepared
12 additional information and provided to the Board. Staff's
13 recommendation is that there's no controversy on this
14 project, so that it should remain in the consent. But
15 it's up to the Board if they desire to pull it and the
16 staff is prepared to give the report to the Board. But
17 it's up to the Board if -- whether they want to keep it
18 under consent or an action item. But staff's
19 recommendation is to keep it under consent.

20 PRESIDENT CARTER: Okay. There were additional
21 items and additional materials submitted to the Board this
22 morning on this particular item. I don't know if the
23 Board has had a chance to review those. I wanted to
24 double check that. That should take -- that should be
25 part of the consideration of deciding on this.

1 Also, wanted to find out -- I do not have any
2 cards from any members of the public on this item. But
3 did want to poll anybody in the audience if they had any
4 objections or had any desire to have a public discussion
5 on this particular item, if there are, then we will remove
6 it from the consent calendar and move it to hearings.

7 Are there any members of the public that wish to
8 have a public discussion on Item 8.B.? For those of you
9 who may not have an agenda in front of you, this is permit
10 No. 18059, Reclamation District No. 2103, City of Lathrop,
11 consider of approval for a permit to place approximately
12 1500 linear feet of fill outside landside slope --
13 landside slope of the left, or west, bank of the levee of
14 the San Joaquin River.

15 Any members of the public wish to have this
16 removed from the consent calendar?

17 Okay. So.

18 LEGAL COUNSEL CAHILL: President Carter, I believe
19 it's appropriate to leave it on the consent calendar. But
20 when you get there, there are a couple of corrections that
21 need to be made to the CEQA findings.

22 PRESIDENT CARTER: Okay.

23 LEGAL COUNSEL CAHILL: So rather than -- so before
24 you vote the whole consent calendar at once, there are a
25 couple of changes we need to make.

1 PRESIDENT CARTER: Okay.

2 SECRETARY DOHERTY: Mr. President, if the staff is
3 ready to address that problem, let us leave it on the
4 consent calendar and at that time we can discuss it.

5 PRESIDENT CARTER: All right. All right. If
6 everybody's comfortable with that, we'll take a staff's
7 recommendation and leave it on the consent calendar.

8 Any objections?

9 Okay. Very good. Any other potential changes to
10 the agenda for today?

11 Okay. Hearing none, we'll entertain a motion to
12 approve the agenda. Actually, with the one item of moving
13 approval of the minutes to the point at which it's
14 convenient for us to do this after Member Rie has joined
15 us.

16 SECRETARY DOHERTY: I make a motion to accept the
17 agenda with the change waiting until Rie arrives on
18 approval of the minutes.

19 PRESIDENT CARTER: Okay. Is there a second?

20 MEMBER BROWN: Second, Mr. Chairman.

21 PRESIDENT CARTER: Okay. Any discussion?

22 All those in favor, indicate by saying "aye."

23 (Ayes.)

24 PRESIDENT CARTER: And opposed?

25 Okay. We're good.

1 At this time, Item 4 this is public comment. This
2 is a time when the Board invites any member of the public
3 to address the Board on unagendized items.

4 If you do wish to speak on items that are
5 agendized, we invite you to do that when that item is
6 heard by the Board. This is for non-agendized items.

7 We do ask that people fill out these cards that
8 are 3-by-5 cards that are available on the table at the
9 entrance to the auditorium, also available from
10 Ms. Pendlebury here at the front. Please do fill those
11 out solely for the purpose of us being able to know that
12 somebody wants to speak, and we can recognize you when the
13 item comes up.

14 So with that, I do have one card from Mr. Marshal
15 to address as a public comment.

16 Mr. Marshal, good morning and welcome.

17 MR. MARSHALL: Good morning. Richard Marshall,
18 California Central Valley Flood Control Association. I'm
19 the executive director.

20 And I did want to welcome the new complement of
21 the Board and also welcome you -- our association's been
22 in existence since 1926 -- on behalf of our 70-plus
23 members, maintaining agencies, that are out there in the
24 field, in keeping the project together and the local
25 levees as well.

1 There's a lot of challenges ahead, as you know,
2 and we look forward to working with you and your staff.

3 I do have a concern though. Over the last couple
4 decades that I have been involved with the entire
5 process -- and I think it slipped by us when the
6 legislation was going through. I don't remember
7 addressing the matter that all the permits are going to
8 have to come to this board. I know, historically, that
9 has technically been the case, but there's always been a
10 capacity to delegate to staff the no-brainer issues of
11 pipe replacements, the, I guess, technically -- I've never
12 seen one, but for a mailbox on the levee. But these kind
13 of issues with the permitting process I think should be
14 delegated to staff.

15 I understand you are trying to work this issue,
16 trying to put it on the consent calendar. But if there's
17 some clean-up language that needs to get through the
18 legislation on this matter, we would be happy to work with
19 you.

20 And anything else that we can do to assist the
21 Board or act as a catalyst on any issues, please feel free
22 to call my office. I think you know how to get ahold of
23 me. You actually won't be getting ahold of me. I'm about
24 to retire. But our staff is there. And I look forward to
25 working with the Board.

1 Thank you.

2 PRESIDENT CARTER: Thank you very much.

3 Just for the record, we are -- we share similar
4 concerns with regard to the, what we'll call, relatively
5 simple permits. And the Board is pursuing perhaps some
6 amendments to the law that will allow us to delegate some
7 of the approvals of the permits to the general manager.
8 And for the time being, the law states that all permits
9 have to come before the Board.

10 As you will see today, one of the ways we're
11 handling that is for permits that are non-controversial
12 and these relatively simple permits that will be handled
13 as part of the consent calendar, which will hopefully
14 speed the process. But the law says that all permits,
15 regardless of their complexity, do have to be heard by the
16 Board, or considered by the Board, and approved by the
17 Board. So we cannot delegate that authority at this time.
18 So until such time as the law is changed, we'll be
19 handling it that way.

20 MR. MARSHALL: Well, we feel very strongly that if
21 you are going to have a system that works, you have to
22 make it where people have the capacity to comply with it.
23 And it becomes too obtrusive and they just can't get their
24 crops watered or whatever the project is, they are just
25 going to do it anyhow. And we know there's very little

1 police power here, so we're working with the principle of
2 a local compliance. And I think to get that, you're going
3 to need to have something that's a fairly well-oiled
4 process.

5 PRESIDENT CARTER: Okay. Well, fortunately, we do
6 have some legislative representation on the Board now and
7 hopefully working with them and hopefully they've heard
8 that message, and we'll try and be accommodating.

9 SECRETARY DOHERTY: Mr. Marshall, don't you want
10 to invite everybody to your next meeting?

11 MR. MARSHALL: Oh, yes, absolutely.

12 March 12th, we're going to have our spring forum.
13 And everyone here should be there because the topic is the
14 perfect flood control system. And we've invited the
15 colonel and Lester Snow who are going to explain to us
16 exactly what that is. So that's March 12th. It will be
17 at the Clarion. You can get applications on our Web site
18 for the California Central Valley Flood Control
19 Association Web site.

20 SECRETARY DOHERTY: Thank you.

21 PRESIDENT CARTER: Thank you very much.

22 MR. MARSHALL: Thank you for that lay-up there. I
23 appreciate it.

24 PRESIDENT CARTER: Very well.

25 No other public comments?

1 All right. We will move on.

2 We will move on to Item No. 5, Transition to the
3 Central Valley Flood Protection Board and New Rules Based
4 on the Recently Passed Flood Laws.

5 And I will turn this over to Mr. Punia and
6 Ms. Cahill to give us on update.

7 EXECUTIVE OFFICER PUNIA: I think I will let Ginny
8 and Deborah lead this discussion from a legal perspective.
9 Then I will give a perspective that where we are going
10 with this transition and reassessment of our
11 responsibilities and role based upon the new laws.

12 LEGAL COUNSEL CAHILL: I would like to introduce
13 my colleague Deborah Smith, and she's going to be working
14 on developing the regulations that the new legislation
15 calls for. And I'm going to let her tell you what we're
16 doing and what she's put in your packet and explain the
17 timeline, that you all asked for last time, that she's
18 developed.

19 LEGAL COUNSEL SMITH: Good morning. I'm Debbie
20 Smith. And as Ginny said, I will be kind of spearheading
21 the regulation process for the Board. And I did put
22 together some materials in your packet and what those are
23 is a -- there's a flowchart of the rulemaking process
24 through the Office of Administrative Law, OAL. I've put
25 together a projected timeline for the regulations, and I

1 will go through that briefly with you. There is also --
2 the Government Code requires the Board to adopt a
3 rulemaking calendar at the beginning of the year. And so
4 there are several documents that make up the rulemaking
5 calendar.

6 And so at the end of this discussion, we will need
7 a motion to approve that so that we can send it both to
8 OAL and to Assemblywoman Wolk's office, as required by the
9 Government Code.

10 So there are four areas at this point that we plan
11 to do regulations in -- evidentiary hearings, ex parte
12 communications, and then there are a couple of areas
13 related to the River Islands litigation that Nancy Finch,
14 with the Department of Water Resources, will be in charge
15 of.

16 We'll be brining those all back to you for your
17 review and approval. As you can see from the rulemaking
18 process flow chart, it's quite a lengthy process. It is
19 governed by the Administrative Procedures Act. And what
20 we propose to you is to bring -- come back with a status
21 update of where we are in the drafting of the regulations
22 in two months, so that we can at your April meeting, and
23 then come back in five months with a final version of
24 those regs for your review, to make changes, if you
25 believe they are necessary, so that we can then -- and

1 that would be at the July 18th meeting. And then at that
2 point, once we have a set of regulations that we feel are
3 ready to put into a public notice, we do a public
4 notification and that starts a 45-day public comment
5 period. And that is a time where the public can make
6 comments and propose changes.

7 We have -- under the APA, we have to respond to
8 those comments. And so a lot of the time period after the
9 public notice goes out will really be driven by what type
10 of response we get and how many comments we get.

11 But we also do have to do a public hearing, which
12 will take place within that 45-day period. And once we
13 have all of the final regulations in their final form, all
14 of our comments done, and we do what's called a final
15 statement of reasons, we send those to the Office of
16 Administrative Law. They have 30 days from that point to
17 propose changes, if they like, or hopefully they will
18 approve them at that point. They could also deny them at
19 that point.

20 So this whole process, once the public notice goes
21 out, we have a year in order to complete the regulations
22 and get the materials to OAL for their review.

23 I'm happy to answer any questions that you may
24 have.

25 PRESIDENT CARTER: We expect to have essentially

1 an update in our April meeting, two meetings from now, and
2 then essentially draft regulations for the Board to
3 consider for our July meeting.

4 LEGAL COUNSEL SMITH: Correct.

5 PRESIDENT CARTER: And then we hold -- we receive
6 public comment via either -- via e-mail or post or over
7 the phone as well as during a public meeting. We'll also
8 have a public hearing on this. You're saying either
9 August or September?

10 LEGAL COUNSEL CAHILL: That would be my guess. We
11 would be incorporating any changes that the Board had and
12 putting them into the form to go in the public notice.
13 Once the public notice actually goes out, we have 45 days
14 to hold that.

15 PRESIDENT CARTER: 45 days.

16 So most likely, if we stayed on schedule, it would
17 be the August meeting. Okay. And then we incorporate all
18 the public comments, and at that point then we submit to
19 the Office of Administrative Law the final recommendations
20 from the Board.

21 LEGAL COUNSEL SMITH: There is one step I left
22 out, and that is that once we get the public comment, we
23 consider whether we want to make any changes based on
24 those comments. And if we do, it depends on how
25 substantial those changes are. We may need to -- if they

1 are substantial changes, then we may have to put it out
2 for another 15-day public review period. But we would be
3 coming back to the Board with an update if necessary.

4 PRESIDENT CARTER: Okay. Would we have to hold
5 another hearing if there are some substantial changes?

6 LEGAL COUNSEL SMITH: No. Only if they were
7 changes that were unrelated to the original notice.

8 SECRETARY DOHERTY: Are there people that sit out
9 there and just look at the thing?

10 LEGAL COUNSEL SMITH: I'm not sure I understand
11 your question.

12 SECRETARY DOHERTY: Well, things are laid out
13 pretty much according to Hoyle. But are there people that
14 are nitpicky, that are just looking for an excuse to make
15 changes?

16 LEGAL COUNSEL SMITH: Well, hopefully not. But
17 we'll have to see. We'll have to see. I just wanted to
18 lay out the process for you so that you knew what to
19 anticipate.

20 SECRETARY DOHERTY: All right. Thank you.

21 LEGAL COUNSEL CAHILL: I might add there, I think
22 the regulated community will definitely have an interest
23 in the contents of the regulations. Just as you heard
24 already today, when we talk about the form of the
25 evidentiary hearings and when they are required, I would

1 expect interested parties -- I see some in the audience --
2 to be commenting.

3 PRESIDENT CARTER: Okay. Very good.

4 Any other questions?

5 VICE PRESIDENT HODGKINS: Yeah. As we initiate
6 this process, if there were clarifications or
7 modifications to other sections of the regulations that
8 there was a desire to make, if they are not incorporated
9 into this notice, does that mean that they are not part of
10 this effort in the regulations?

11 LEGAL COUNSEL SMITH: I should note that we are
12 working with staff to see if there are other areas that we
13 want to include in this package. And if so, we would. So
14 we could make it one effort.

15 But if they weren't included, then it would have
16 to be a separate process and a separate notice. But we
17 are undertaking efforts to try and capture all of the
18 relevant areas that we need to, for this timeline.

19 VICE PRESIDENT HODGKINS: Okay. And if the
20 regulated community had suggestions, how could those get
21 incorporated here immediately? I guess if they put them
22 in writing and send them to you, they could at least be
23 considered by you and staff.

24 LEGAL COUNSEL SMITH: That is certainly a
25 possibility. Another thing we could do is hold a

1 stakeholders' meeting to try and capture ideas.

2 VICE PRESIDENT HODGKINS: Okay. I don't want to
3 encumber you with that if there's not an interest in doing
4 that. But I don't know if the regulated community has any
5 interest. And I don't know whether there's anybody out
6 there who would comment on that.

7 Seeing none, I guess there's no interest in doing
8 that.

9 SECRETARY DOHERTY: We have somebody. Scott.

10 VICE PRESIDENT HODGKINS: Scott, is there anything
11 you would tell us about this?

12 MR. SHAPIRO: Good morning. Vice President
13 Hodgkins, Scott Shapiro, general counsel, California
14 Central Valley Flood Control Association.

15 I think the association would be interested in
16 providing feedback on how the regulations might be
17 streamlined. I've noted before this Board that your
18 regulations deal more with traditional encroachments, with
19 the mailboxes and the pipes, than it does with project
20 applicants coming forward, proposing to completely revise
21 a federal project levee.

22 And we would be happy to submit a letter or to
23 participate in the stakeholders' meeting, whatever would
24 be most efficient. Our goal is not to expand your
25 rulemaking revisions to the point they are ridiculous.

1 But if there are things that could be done to make it more
2 streamlined and logical and to give the regulated
3 community more guidance, we certainly would have some more
4 input on that.

5 SECRETARY DOHERTY: Scott, what was the
6 association you mentioned?

7 MR. SHAPIRO: Dick Marshall's California Central
8 Valley Flood Control Association.

9 VICE PRESIDENT HODGKINS: And one area I think
10 could use a little bit of fudging is we went through an
11 issue associated with a modification that the detention
12 basin was really not within our easement. And the issue
13 was that because it was an excavation adjacent to a levee,
14 from an engineering standpoint, it has the potential to
15 impact the structural integrity of the levee, but there's
16 really no way for an agency or someone who's working
17 outside of our easement to know that they need to come in
18 and do that. So I would like to be sure staff does
19 something to address that.

20 So when there's a swimming pool 20 feet outside
21 the easement, somebody knows they have to come to the Rec
22 Board and at least go over with staff whether that has
23 potential impacts. It's kind of a hole there that gets us
24 in an argument with permittees who say that, you know,
25 "I'm in compliance with your regulations," and I don't

1 know the technical answer to that, but it's an issue that
2 needs to be addressed.

3 PRESIDENT CARTER: Thank you very much.

4 If there are other issues with our regulations as
5 they exist today from the standpoint of both the Board,
6 the staff, and the public, they ought to be sure and
7 communicate those to our staff, in particular, Deborah, so
8 that she can make a listing and we can decide what we want
9 to address and what we don't in this particular task.

10 So Deborah, you said that we need to have a motion
11 to adopt the 2008 rulemaking calendars that are in our
12 packet; there's six of them?

13 LEGAL COUNSEL SMITH: That's correct.

14 PRESIDENT CARTER: Okay. Has everyone had a
15 chance to look at those? There are five on regulations
16 that we -- that we're aware of that, that need to be
17 modified, and then there's a sixth that is basically
18 miscellaneous amendments to be determined, which will be
19 things that come up in the next two months.

20 So we'll entertain a motion to adopt these 2008
21 rulemaking calendars.

22 MEMBER BROWN: A question, Mr. Chairman.

23 PRESIDENT CARTER: Yes, sir.

24 MEMBER BROWN: I see on the evidentiary hearings,
25 are you going to have hearing officers propose to hold

1 those hearings and can that be accompanied by the whole
2 Board or just the hearing officer?

3 LEGAL COUNSEL SMITH: I haven't gotten into --
4 that far into the drafting, but that's something we would
5 certainly look at and consider.

6 MEMBER BROWN: I've seen that work very well in
7 the past, for the chairman to assign the hearing officer
8 to a particular issue. And then obviously, the rest of
9 the Board is welcome to participate or not. And then the
10 hearing officer and the staff make a recommendation, then,
11 to the rest of the Board for adoption of changes for
12 approval. That kind of spreads our time out,
13 Mr. Chairman, and still gives the Board members the
14 opportunity to control the hearing.

15 PRESIDENT CARTER: Okay.

16 MEMBER BROWN: I would encourage that, Deborah.

17 PRESIDENT CARTER: Okay.

18 I should also mention, I have asked Member Suarez
19 to be the point person on the Board in working with
20 Deborah and Ginny on this, and also Nancy Finch. So she's
21 going to be the point person for the Board on this, and I
22 think she may be enlisting other Board members and their
23 expertise for guidance on some of this. And certainly,
24 the staff in terms of technical aspects of the regulation
25 changes. But just wanted to let everyone know that. And

1 Emma has agreed to do that.

2 So again we'll -- we'll entertain a motion to
3 adopt the six 2008 rulemaking calendars that we have in
4 our packet.

5 MEMBER BROWN: I will move, Mr. Chairman.

6 PRESIDENT CARTER: We have a motion.

7 Do we have a second?

8 VICE PRESIDENT HODGKINS: Second.

9 PRESIDENT CARTER: Motion and second.

10 Any further discussion?

11 Okay. All those in favor, indicate by saying

12 "aye."

13 (Ayes.)

14 PRESIDENT CARTER: And opposed?

15 Motion carries.

16 Thank you.

17 LEGAL COUNSEL SMITH: Thank you.

18 PRESIDENT CARTER: Anything else on regulations?

19 No?

20 Mr. Punia?

21 EXECUTIVE OFFICER PUNIA: Good morning, Board

22 President Ben Carter and Board Members.

23 Along with this rulemaking, we are also
24 reassessing the Board's roles and responsibilities and the
25 resources we have hopefully will fill those roles and

1 responsibilities.

2 Board President Ben Carter and Vice President
3 Butch Hodgkins is helping me in this reassessment process.
4 We haven't finished this reassessment process, but we have
5 a couple of meetings. And I want to give you a quick
6 overview of where we are in this reassessment evaluation
7 of the Central Valley Flood Protection roles and
8 responsibilities, existing responsibilities, and the
9 responsibility we acquired based upon the new regulations.

10 And if you recall, we signed the memorandum of
11 agreement with the Department of Water Resources. One of
12 the problems in the MOA also says that by end of February,
13 we will have this assessment complete, so that we can
14 start working on a long-term MOA with the Department of
15 Water Resources. So this effort is underway. I will give
16 you a quick overview and then entertain any questions you
17 may have.

18 This self-assessment tasks -- the major tasks that
19 are this self-assessment are review legislation for
20 responsibilities, our existing legislation, and the
21 recently passed flood laws that what our responsibilities
22 are, so we are reviewing those.

23 And then we are reviewing our resources, existing
24 resources, direct resources, and the resources within the
25 Department of Water Resources that are providing us

1 assistance. And then we are also developing -- where are
2 the holes that we need resources to fulfill our
3 obligations. And then as part of this reassessment, we
4 are trying to see what resources we need, what are the
5 skill sets of our staff, and how many people we need, and
6 how many people we need in our direct staff, and how many
7 people, additional resources, we need within DWR to help
8 our mission.

9 Quick overview of the responsibilities, existing
10 responsibilities, of the Central Valley Flood Protection
11 Board. Inspection of the completed flood control works,
12 as I'm sure everyone in here is familiar, that once the
13 project is finished, then the U.S. Army Corps of Engineers
14 transfers that finished product to the state, and the
15 Central Valley Flood Protection Board accepts that project
16 and gives assurance to the U.S. Army Corps of Engineers
17 that the project shall be maintained according to the
18 standards prescribed by the U.S. Army Corps of Engineers.

19 And then this is a shared responsibility with the
20 Department of Water Resources. They are also directed in
21 the Water Code that they, the Department, will make sure
22 that the project is maintained properly.

23 The next big responsibility is the -- of course,
24 risk control and management. As you are familiar, we
25 accomplished this -- our regulations Title 23, that any

1 time someone wants to superimpose additional projects on
2 our flood control projects, we regulate what they can do
3 and how they should be able to do when they superimpose
4 additional things on the flood control project.

5 Then inspection of the designated floodway. We
6 have adopted the designated floodways, and it's our
7 responsibility to make sure that people follow the rules
8 when they want to do anything in those designated
9 floodways. We're supposed to inspect those designated
10 floodways and then issue the permits for compatible
11 activities in those designated floodways.

12 Then we will be also working with the Department
13 of Water Resources and the U.S. Army Corps of Engineers
14 for the development of new flood control projects in the
15 Central Valley. That's a major function that we are
16 usually a nonfederal sponsor of the federal flood control
17 projects in the Central Valley.

18 Then as you have seen recently, we are involved in
19 the approval of new projects being implemented by locals
20 and DWR with local bond funding. That's a relatively new
21 function that these projects are not the traditional Corps
22 and state projects, but these are sponsored by the local
23 funding and getting funding from the Department of Water
24 Resources through the Proposition 1E and 84.

25 Then we are also required to coordinate with the

1 U.S. Army Corps of Engineers for the federal approvals for
2 Section 408 and Section 104 of the locally and state
3 funded project alterations and modifications.

4 So those are the existing responsibilities.

5 If you have any questions or need clarifications,
6 I will be glad to elaborate a little more on those.

7 PRESIDENT CARTER: Just to clarify, my
8 understanding is, those are the responsibilities of the
9 Reclamation Board?

10 EXECUTIVE OFFICER PUNIA: Central Valley Flood
11 Protection Board, yes.

12 PRESIDENT CARTER: And you are going to go into
13 the new responsibilities that were added, when it became
14 the Central Valley Flood Protection Board.

15 EXECUTIVE OFFICER PUNIA: That's correct.

16 As you may recall, there were various legislations
17 passed recently. And they have imposed additional
18 responsibilities to us, as the Central Valley Flood
19 Protection Board.

20 One of the major responsibilities that came to us
21 is through Assembly Bill 162, which is based upon this new
22 legislation. We are supposed to review the safety
23 elements of the general plans of the cities and the
24 counties within the Sacramento-San Joaquin drainage
25 districts.

1 We are trying to assess how much resources are
2 needed to undertake this responsibility. There are time
3 bombs reviews needed under this legislation that once
4 they -- how big their general plan and safety element of
5 the general plan, we will be reviewing and providing
6 comments back to them.

7 Then under Assembly Bill -- AB 5 and SB 17, as
8 Deborah mentioned, we have to develop regulations, new
9 regulations, for evidentiary hearings and ex parte
10 communication.

11 Then under SB 5, we have to adopt schedules for
12 mapping and flood control system reports. Most of this
13 work will be done by the Department of Water Resources.
14 But we have to adapt to their schedules and the reports
15 that will be developed under this regulation.

16 Now let's talk a little bit about our resources.
17 Existing resources to direct staff, as you may -- as I'm
18 sure all the Board has been aware, that we have executive
19 officer, chief engineer, supervisor engineer, senior
20 engineer, and we have two staff service analysts, and we
21 have a part-time office technician position. And
22 presently, the legal counsel is being provided by the
23 Department of Justice and the Department of Water
24 Resources.

25 We have two attorneys, Deputy Attorney General

1 Virginia Cahill and Deputy Attorney General Deborah Smith
2 from the Department of Justice. They are both working
3 part time and providing us assistance.

4 In addition to the assistance from the DOJ, we are
5 also getting help from the Department of Water Resources.
6 Nancy Finch is providing us help on land acquisition and
7 she will be also helping Deborah Smith in developing new
8 regulations.

9 Based upon our meetings with Butch and Ben Carter,
10 we have assessed that we don't have the funding in our
11 budget for the legal services. So at this time, we are
12 lucky that the Department of Justice is providing us
13 assistance without paying them. But we recognize that we
14 have to have our own funding in which we are pursuing next
15 fiscal year. We have the funding in place so that we can
16 pay for the legal services.

17 Then at present, we don't have engineers available
18 to us to review the assignments coming from Assembly Bill
19 162 so that we can review the general plans and safety
20 elements of the general plans. So we are pursuing to
21 acquire additional positions so that we have those
22 resources available so that we can review and provide
23 comments on the safety elements of the general plans that
24 will be developed by the cities and the counties.

25 And we also want to have an engineer, dedicated

1 engineer, who will work with the Department of Water
2 Resources in the development of the State Plan of Flood
3 Control so that person can be a link between the Central
4 Valley Flood Protection board and the Department of Water
5 Resources in the development of the state plan of flood
6 control.

7 And we also acknowledge that the early
8 implementation projects funded by Proposition 1E and 84,
9 that there's additional workload associated with those
10 projects that we need additional resources to keep these
11 projects on a fast track. To put things in perspective,
12 some of the traditional projects, when they were funded by
13 the U.S. Army Corps of Engineers and the state, it used to
14 take at least ten years to implement those type of
15 projects.

16 But with local and the state funding, these
17 projects are condensed into three- or four-year time
18 frames, so there's substantial additional workload due to
19 these levee implementation projects.

20 And we also acknowledge and recognize that we need
21 to have an additional environmental scientist to review
22 environment documentation and to prepare findings on
23 behalf of the Board.

24 Now, I will shift toward our indirect resources.
25 That means the help which we are getting from the

1 Department of Water Resources.

2 The Division of Flood Management of the Department
3 of Water Resources provides us assistance to accomplish
4 our mission and the Floodway Protection Section is a major
5 group in the Division of Flood Management who provides us
6 assistance. And as you may recall, before Mike
7 Mirmazaheri used to be the chief of this section, but
8 presently Mark Herold is the senior engineer. And in
9 Mark's section, we have Chris Huitt, environmental
10 scientist, and we have Water Resources associates Steve
11 Dawson, Sterling Sorenson, and Michael Peterson. And we
12 have one position that recently got relocated, and an open
13 slot.

14 And the main function of the staff is to process
15 the encroachment applications and writing encroachment
16 permits. They provide the engineering review, hydraulic
17 analysis review, and geotechnical review, and Departmental
18 review of the applications submitted to the Central Valley
19 Flood Protection Board.

20 As far as analysis, reassessment of this action,
21 obviously, we have to fill the vacant positions and then
22 our conclusion is that one environmental scientist is not
23 sufficient, that we need additional environmental
24 scientists to keep these applications on schedule so that
25 we can provide good service to our applicants.

1 And then we will also pursue one or two engineers
2 along with our technicians in this series so that they can
3 provide the geotechnical evaluation and hydraulic
4 evaluation of these applications.

5 Now, let's move to the Project Development Branch.
6 That's another branch in the Department of Water Resources
7 that provide assistance to us, to work with the U.S. Army
8 Corps of Engineers to conduct feasibility studies and to
9 take the projects from concept to the implementation of
10 these projects. And we have several engineers in this
11 group. And based upon our evaluation -- a little bit more
12 about what they do. They coordinate the projects with the
13 U.S. Army Corps of Engineers on behalf of the Central
14 Valley Flood Protection Board. They work on the
15 feasibility studies. They develop agreements, cooperation
16 agreements, with the U.S. Army Corps of Engineers and with
17 our local partners. And then they are involved in the
18 engineering and design and then through them, our land
19 agents acquire lands, easements, right-of-way, and perform
20 relocations for the new projects.

21 Then they constantly coordinate these projects
22 within the state and the locals and then they also make
23 sure that we have all the federal and state authorizations
24 to keep these projects going.

25 And once the projects are finished, this group

1 gets involved in accepting the projects and then making
2 sure that we transfer these projects to the local levee
3 maintaining agencies for operation and maintenance.

4 We haven't completed the complete reassessment of
5 this group. We are still awaiting some information from
6 the Department of Water Resources. But the immediate need
7 is to fill the vacant positions so that we can continue to
8 provide services and continue to work with the U.S. Army
9 Corps of Engineers on future projects.

10 The next area is the inspection on the completed
11 flood control works. This service is provided by the
12 Division of Flood Management, Flood Project Inspection and
13 Integrity Branch. Jeremy Arrich is the branch chief. And
14 we have two senior engineers leading this group. We have
15 inspectors and engineers. And their role is to make sure
16 the project is inspected and certify to the U.S. Army
17 Corps of Engineers that the project is maintained as
18 required by the operation and maintenance manuals.

19 As I mentioned, they inspect the levees and they
20 are also required to inspect the construction done under
21 our permit. When we issue a permit, we prescribe
22 variation conditions. And then we want to make sure that
23 the work that any applicant has done is in conformance
24 with the permit conditions. So that's the construction
25 inspection complement, and then the designated floodway

1 inspection.

2 Based upon our assessment of the section, we don't
3 have the staff available to us to accomplish all the items
4 required of this section -- the levee inspections, permit
5 inspections, and designated floodway inspections. The
6 staff at hand can barely do the levee inspections only.
7 And we don't have a sufficient staff to provide
8 construction inspection and a designated floodway
9 inspection. So we are working with the Department of
10 Water Resources so that we can acquire additional
11 resources so that we can fulfill our obligations and we
12 can provide -- along with the levee inspections, we have a
13 staff to provide construction inspections and the
14 designated floodway inspections.

15 So that's a quick synopsis of where we are and we
16 will continue this effort so that we have a little better
17 direction of what resources we need to implement the new
18 regulations and to implement the existing responsibilities
19 of the Central Valley Flood Protection. And we will
20 continue to submit the budget change proposals so that we
21 can acquire additional resources identified as part of
22 this reassessment.

23 But I will acknowledge that we may not be able to
24 fulfill all the resources needed in one fiscal year. We
25 will be staggering these requests into the following

1 fiscal year so we get some resources in the coming fiscal
2 year and some resources in the following fiscal year with
3 the role of having sufficient resources to accomplish our
4 mission.

5 Thank you. And I will be glad to answer any
6 questions you have.

7 PRESIDENT CARTER: If I can just add to what Jay
8 has told us all, I think the assessment is going along
9 fairly well. We're not quite where we wanted to be at
10 this point, given that it's the middle of February, and we
11 need to be complete by -- our target is to be complete by
12 the end of the month.

13 However, we're in pretty good shape, I feel. We
14 probably will want to schedule a special meeting of the
15 Board towards the end of this month or early in March,
16 perhaps, to discuss -- probably have an update on the
17 assessment at the end of the month as well as have a
18 discussion among the Board and the public in terms of the
19 Board's vision and goals and objectives, a vision mission.
20 And so that's -- that's something that is fairly
21 fundamental to really figuring out what kinds of resources
22 or how we want to begin to structure this organization.
23 It clearly has a pretty good significant impact on how we
24 organize and approach our responsibilities.

25 So we have not scheduled anything as of yet. But

1 I would expect that we would want to have a meeting
2 especially dedicated to this effort, not hearing any other
3 normal business, but just involve the Board and the staff
4 and members of the public in that discussion of -- which
5 is the beginning of kind of a strategic planning process.

6 So just wanted to add that.

7 Mr. Brown?

8 MEMBER BROWN: Mr. Chairman, it seems like our
9 efforts are directed towards conveyance and providing
10 proper facilities for conveyance. Is there any
11 consideration or has there been any consideration given
12 to mention like up in the foothills spoil stabilization
13 practices and retention and detention and range management
14 and such to help reduce the spoils coming down because you
15 have to convey -- I know the old spoil contributions used
16 to do that quite well. And I would at least see some
17 consideration be directed in that direction and in
18 addition to providing proper conveyance facilities.

19 EXECUTIVE OFFICER PUNIA: I think that will be
20 discussed -- will be part of the New Plan of Flood
21 Control. These type of issues will be discussed and
22 evaluated when we are working with the Department on the
23 development of the New Plan of Flood Control.

24 SECRETARY DOHERTY: Mr. Punia? I feel sometimes
25 that we are piecemealing rather than understanding that

1 whatever project comes down the pipe has to be overlaid
2 on to the entire system. And I think that his mentioning
3 the streams and the other tributaries that come into our
4 flood conveyance system are all part of it. But I don't
5 feel at the present time -- and I didn't see it up there
6 as our responsibility, that the entire system must be
7 looked at every single time we approve a project. And
8 that's one of our responsibilities.

9 EXECUTIVE OFFICER PUNIA: Point well taken.

10 PRESIDENT CARTER: Ms. Rie?

11 MEMBER RIE: Yes, could you give us an update on
12 where we are in working with the cities and counties to
13 get their general plans or modified plans for development
14 behind levees?

15 I know legislation went into effect on
16 January 1st. So I would imagine there are a lot of
17 pending developments out there. So have we seen any of
18 those come in yet?

19 EXECUTIVE OFFICER PUNIA: Nothing has come to us
20 at this time. In fact, yesterday there was a meeting, a
21 workshop, arranged by League of Counties and Cities in
22 which they were evaluating the new flood laws so that what
23 their role will be in, how they are going to implement and
24 comply with the new flood legislation.

25 There were people from the Department of Water

1 Resources. And we have Geoff Shumway and Lorraine
2 Pendlebury attend from the Central Valley Flood Protection
3 Board so that we are engaged and involved in these. And
4 we are at our own level also reviewing those legislations
5 and developing our maps and getting in touch with the
6 cities and the counties and making them aware that based
7 upon these legislations, that they are supposed to develop
8 this safety element in the general plans.

9 PRESIDENT CARTER: One of the early tasks that the
10 committee gave the staff was to develop or put together
11 the list and the contacts that addresses the contact
12 information, phone numbers, of all of the counties that
13 are within the Sacramento-San Joaquin drainage district,
14 so that we had some idea of the scope of entities that we
15 were dealing with. And then the next step is for the
16 staff to follow up with those folks and find out where
17 they are in their general plan update process, if they
18 have a flood element in their -- flood element in their
19 safety element of their general plan and what that looks
20 like and when they plan on updating that.

21 So, and we did that primarily from a standpoint of
22 really trying to get our arms around the scope of this new
23 responsibility that we had, in order to understand how we
24 can staff it.

25 So we have kind of begun that process. And with

1 the staff attending the meeting yesterday, they are
2 getting some perspective and feedback directly from the
3 counties via that forum. But the plan is to contact
4 those -- either planning directors or public works
5 directors within the counties to find out where they stand
6 in terms of their general plans.

7 ACTING MEMBER TREABASS: Mr. President, if I may,
8 I was actively involved in AB 162. And basically, the way
9 this will play out with regard to the general plan and
10 what the Board's roles and responsibilities are in
11 reviewing the safety elements, the cities and counties do
12 not have to update their safety elements to include this
13 flood information until the next revision of the housing
14 element.

15 So some will be doing that, and that's staggered
16 throughout the valley essentially. The housing element
17 has to be reviewed and updated every five years. So now
18 the safety element will fall under that category as well.

19 So it will be anywhere -- you could see some
20 rolling in this year, but it would most likely be within
21 the next five years that you will be seeing those safety
22 elements.

23 PRESIDENT CARTER: Okay. Thank you.

24 MEMBER RIE: Just one last follow-up question. So
25 if we do have a city or county who needs to submit their

1 housing element this year, because they are going through
2 an update at this time, with the flux in staff, are we
3 going to be able to review whatever comes in this year?

4 EXECUTIVE OFFICER PUNIA: We will review it with
5 our existing staff, but we are asking additional resources
6 starting July of the next fiscal year. But we will try
7 our best with our existing resources if that's the
8 situation.

9 Lorraine wants to share something from a meeting
10 yesterday she attended, if that's okay.

11 PRESIDENT CARTER: Absolutely. Please.

12 STAFF ASSISTANT PENDLEBURY: Hi, Lorraine
13 Pendlebury staff assistant.

14 Jeff and I attended this meeting yesterday, where
15 the laws were discussed. It was a meeting of the cities
16 and counties. And mostly the planning people from the
17 cities and counties were there. But the folks that were
18 interpreting the law and doing the presentations mentioned
19 that it was after 2009 when the cities and counties
20 updated their general plan and added this housing element
21 and safety elements. And so we were happy to hear that,
22 because it does give us some time to staff up.

23 The other thing I want to mention is that in
24 talking to the folks yesterday, the key people yesterday,
25 we will be getting this list of cities and counties. They

1 are going to do it for us. The regional directors are
2 going to put out an e-mail and get that information for us
3 as well.

4 So we feel it was a very good informative meeting
5 yesterday.

6 Okay?

7 MEMBER RIE: Thank you very much.

8 STAFF ASSISTANT PENDLEBURY: You're very welcome.

9 PRESIDENT CARTER: Any other questions for
10 Mr. Punia?

11 EXECUTIVE OFFICER PUNIA: Thank you.

12 PRESIDENT CARTER: All right. Thank you very
13 much.

14 Mr. Countryman?

15 MR. COUNTRYMAN: Of course, you know, I've been
16 attending these meetings.

17 PRESIDENT CARTER: Just for the record, could you
18 introduce yourself, please.

19 MR. COUNTRYMAN: Joseph Countryman, MBK Engineers.
20 I've been attending meetings for quite a while. And one
21 of my observations of the greatest turmoil and upset and
22 delays and all kinds of things that have happened before
23 the Board is the fact that the projects have gone forward
24 through cities and counties or whoever the jurisdiction
25 was that was in charge of the environmental process, the

1 EIR. The projects were distributed through the State
2 Clearinghouse for review. And because of the staff
3 limitations, the Board staff was -- essentially never
4 reviewed these environmental documents, made no comments.
5 And the projects went forward.

6 The local entities at that point felt that they
7 had comments such as does it meet the, you know, flood
8 control -- is it affecting the total system or not? And
9 then we're caught quite by surprise when they came back
10 and issues were raised by the staff at that point.

11 So my point in bringing this up is that if there
12 is a way to get a sufficient staffing to review the
13 environmental documents on these projects before, you
14 know, they have to wait and then come around and get new
15 comments from the Board after it's already cleared, the
16 CEQA process, I think, it would do an awful lot to smooth
17 out the whole process and make the public participation
18 consistent with what the Board responsibilities are. So I
19 would encourage that.

20 The other thing on these designated floodway
21 inspections, I don't know if this Board understands the
22 vast amount of square miles that are under this designated
23 floodway. And I don't think -- and I myself have gone out
24 and tried to look at some of these for different clients.
25 And it's almost an impossible situation on the ground to

1 inspect these designated floodways.

2 So -- and I don't know, Jay, if you have a program
3 of aerial surveillance that somebody reviews, or exactly
4 how you are proposing to do this. But I just want to let
5 you know that if you are thinking about getting staff
6 that's going to do a ground inspection of these designated
7 floodways, you are going to need quite a bit of staff to
8 do that. And you may have to look at some alternative
9 ways of doing it.

10 EXECUTIVE OFFICER PUNIA: We are looking in the
11 same way you are, the aerial reconnaissance and then
12 ground, where we will find problem areas.

13 PRESIDENT CARTER: I think that's a great way to
14 leverage staff time. In fact, the three of us discussed,
15 there's the USDA through the Farm Service Agency does
16 aerial surveys periodically during the year. I think they
17 do a minimum of one in all the areas and multiples during
18 the year for crop certifications. And since most of the
19 drainage district is agricultural, I believe that that's
20 already being done by a government agency, and we may be
21 able to leverage inspections by taking their high
22 resolution aerial photography and reviewing that on an
23 annual basis. And then as Jay says, there are things that
24 are going on and we see changes go out and actually look
25 at those.

1 VICE PRESIDENT HODGKINS: I think also, Joe, we
2 think that we've got to get the designated floodways into
3 the general plans because finding out that somebody's
4 building something from an aerial photo, while that's
5 better than nothing, it's a little too late to really try
6 and manage that kind of a situation. So we want to make
7 the counties and the cities, the planning agencies, aware
8 of the importance of the designated floodways.

9 ACTING MEMBER TREABASS: If I may one more time.
10 Just to be clear on the timeline of how this will play out
11 with the general plan, so we amended three elements. We
12 amended the land use element, the conservation element,
13 and the safety element of the general plans.

14 Now, it is true, the safety element, there is no
15 legal requirement for cities and counties -- for you to
16 review the safety element portion of the general plan
17 until 2009. However, I think the cities and counties
18 would like to have input should they be starting that
19 process this year.

20 They are required, though, to now change their
21 land use. And in conservation element -- actually land
22 use element is also among the next revision of housing
23 element. So that won't be until after 2009 either.

24 But they are required to change their conservation
25 element in this upcoming year to look at specific things

1 such as floodways and to take more -- you know, the goal
2 was to look more comprehensively at flood issues when they
3 are doing these long-range land use plans.

4 SECRETARY DOHERTY: Susan, I think that both you
5 and Mr. Countryman bring up a point. But I think you need
6 to take back that these things are enacted and they are
7 passed. And where does the money come from for the
8 additional staff to review these environmental impact
9 reports? And I think it's frustrating that this is
10 decreed and had then what -- how can you accomplish it?
11 It's very difficult.

12 ACTING MEMBER TREABASS: One of the -- what we did
13 think about -- we actually included a provision in AB 162,
14 was the fact that some of the cities and counties may have
15 already done this and, in fact, done it, you know, in a
16 very appropriate and thoughtful way. And so there is a
17 way that for those cities and counties who have already
18 done that, they are able to use the planning that they
19 have already done in the past, if it's FEMA recognized,
20 and then in turn, the Board, we felt, would be able to
21 easily check that box as well.

22 PRESIDENT CARTER: It still takes staff time to
23 read the documents and collect them and review them.

24 So point well-taken. And just on a lighter side,
25 we have a member of the Board who is a pilot and always

1 looking for excuses to go and look at the drainage
2 districts. So we might be able to cover it that way.

3 Mr. Brown is an accomplished pilot.

4 Okay. With that, let's move on to -- if there's
5 nothing else on this particular item, then let's move on
6 to the Report of Activities of the Department of Water
7 Resources.

8 I understand that Mr. Inamine is going to be
9 speaking on behalf of Mr. Qualley this morning.

10 Good morning and welcome.

11 MR. INAMINE: Good morning. Mike Inamine with the
12 California Department of Water Resources and chief of the
13 Levee Repairs and Floodplain Management Office.

14 George couldn't be here today.

15 We did something a little bit new this time. We
16 sent the water conditions portion of the Board's report a
17 couple of days earlier, so I won't go into detail about
18 that report. Just make a few summary comments.

19 This continues to be a El Niña year. El Niña
20 conditions are expected to prevail on into spring.
21 Currently, the precipitation is about 110 percent of
22 average today. Runoff is 55 percent of average today.
23 Reservoir storage is about 85 percent of average today.
24 As is typical with El Niña events, high variability of
25 patterns in the north and generally drier conditions in

1 Southern California, as we've seen today.

2 There's been much activity in the Levee Repairs
3 Branch of the Levee Repairs and Flood Plain Management
4 Office. A total of 110 sites that were identified in the
5 2005/2006 list of critical sites, of which 110 -- 108 have
6 been repaired to date. Work is continuing on maintenance
7 and biological monitoring of those sites.

8 To sort of divide up the sites, there were a total
9 of 55 sites that are critical erosion repairs, typically
10 identified under the Department or the Corps's Sac Bank
11 program; 55 sites have been through collaboration of Corps
12 and DWR forces.

13 There are two remaining sites on Cache Creek that
14 were setbacks that we're having some landowner issues
15 with. And those, we are expecting to complete next fall.

16 This year, 17 sites have been identified by Corps
17 of Engineers under the Sac Bank program. The Corps has
18 taken the lead on all the sites. Two of the those sites
19 were actually continuations of last year's critical
20 repairs. Under PL 84-99, there were 53 sites that have
21 been completed by DWR and the Corps. The Corps has also
22 identified a total of 161 sites that were damaged in the
23 2006 event. Those 161 sites are divided or prioritized in
24 terms of urgency and consequences on the land side of
25 those sites.

1 So there are -- of those 161 sites, 139 are
2 relatively lower priority, orders 3, 4, and 5; and 22 are
3 order 2. Those are critical sites that need to be
4 repaired for the next high water event. So that's a long
5 list.

6 The Corps anticipates they will get to
7 approximately 50 of those sites in this upcoming
8 construction season.

9 Switching to the next topic in the Board's report,
10 levee evaluations. Levee evaluations has taken two tracks
11 right now. This is the geotechnical levee evaluations
12 throughout the Central Valley. There are two programs --
13 the urban levee evaluations. These are urban levees that
14 protect urban population centers of 10,000 people or more,
15 and what we're terming the non-urban levee evaluations,
16 which is everything else, that comprises 1600 miles of the
17 project levees.

18 Currently, we're drilling in West Sacramento and
19 RD17. We've completed the -- we're turning the Phase 1
20 geotechnical evaluation reports and transmitting them to
21 local stakeholders to Marysville and West Sacramento.
22 RD17 is complete. And we will be transmitting that to the
23 locals next week. These reports are basically data
24 summaries, preliminary geotechnical analysis, and then
25 recommendations for Phase 2 expiration testing and

1 analysis.

2 The surveys were just completed on the Sacramento
3 River, San Joaquin, Lower Calavares, Lower American.
4 These were sort of limited bathymetric surveys in critical
5 areas of urban communities.

6 The nonurban levee evaluations, we just made
7 tentative awards to two firms. These are two \$60 million
8 contracts to evaluate all of the project levees that
9 comprise the rural areas. These are outside of the 350
10 miles of urban levees. In addition, as a result of recent
11 legislation to take a look at the nonproject urban levees,
12 there's a component in that contract that allows us to
13 utilize those contractors to look at nonproject levees
14 that protect urban areas.

15 We anticipate executing that contract in April of
16 '08. There will be a stakeholder outreach to the rural
17 communities, the nonurban interests in -- beginning in May
18 of this year. And we're talking to some local
19 stakeholders right now in setting up that outreach.

20 Let's see. Moving off of the levee evaluations,
21 there's a couple of items listed in the report with regard
22 to flood maintenance that I think they are pretty
23 self-explanatory. There is an issue that's not listed in
24 that, in the report, that just as a heads-up, there is a
25 new maintenance organization that's going to be taking

1 over the Knights Landing maintenance issues as a result of
2 some negotiations with our Flood Maintenance Branch and
3 Ridge Cut Irrigation District and the local owner.

4 And next Board meeting, a formal presentation will
5 be made by the Department with a revised resolution to
6 turn over maintenance to Ridge Cut irrigation districts.
7 So more to come on that issue.

8 The Floodplain Management Branch is tasked with
9 doing the flood plain mapping of the Central Valley
10 floodplain areas. The branch has just executed four
11 \$25 million regional floodplain mapping contracts. This
12 program is to take place over the next five years and is a
13 comprehensive study involving a number of entities to
14 develop hydrology, hydraulics, and the mapping of
15 floodplain areas in the Central Valley.

16 The big push right now is to -- the immediate push
17 right now is to do the lidar mapping of floodplain areas
18 in the Central Valley. Right now is the perfect time to
19 have planes in the air while there's no leaves, no
20 vegetation exposed. So we're hustling to get planes in
21 the air and to do the lidar mapping, the surveying
22 completed.

23 We also made a tentative award to a fifth firm for
24 project management of these four contracts, these four
25 large contracts.

1 The last point is on the early implementation
2 projects. Final templates for funding and operations and
3 maintenance was sent to the four applicants. The
4 Department expressed to fund all \$250 million of EIPs to
5 the four applicants.

6 Those are the major items. I should mention that
7 on the levee repairs, there are also a couple of -- I
8 spoke a lot about the Sacramento system. There are also
9 four critical repair sites that have been identified for
10 the San Joaquin River system, and that's in the
11 construction that we anticipate will take off in late
12 summer, early fall, of this year as well.

13 So that is the summary of Department activities.

14 Any questions?

15 PRESIDENT CARTER: Any questions for Mr. Inamine?

16 VICE PRESIDENT HODGKINS: Mike, I notice in
17 reading the written report that in the levee evaluation,
18 there are several instances where reports have gone out.
19 Do those have an -- how can I find out what those say
20 about the results of the work that was done, without
21 ending up with 2 inches more of paper for each report?

22 MR. INAMINE: The reports are -- there's really --
23 in general, there's three types of reports. There's a
24 data report, preliminary -- four reports. Preliminary
25 geotechnical data report. That's just the raw data that

1 probably would not be of interest.

2 The next report, which we just transmitted to
3 local stakeholders, is the geotechnical evaluation, based
4 on that preliminary data. And there is -- that report,
5 while it's lengthy, has a summary to it. And so you could
6 pick up that report and get a general understanding of
7 what the issues identified in that Phase 1 evaluation is.
8 So that would probably be the -- that would probably be
9 the place to start.

10 VICE PRESIDENT HODGKINS: Are those on the Web?

11 MR. INAMINE: No. They are transmitted directly.
12 We could get copies -- if there's interest, we could get a
13 copy through Board staff to you.

14 VICE PRESIDENT HODGKINS: Okay. All I really want
15 to see is an executive summary. And I don't want to make
16 somebody give me 2 inches of paper and throw away 1 and
17 3/4 inches of it.

18 The second thing I noted is, in talking about the
19 mapping program, the staff report, he uses the wording
20 that it's a certification program. Can you help me
21 understand what that means? Certification of what?
22 Certification typically goes with reviewing presentation
23 for FEMA. Is there a reason that word was used -- chosen?

24 MR. INAMINE: Yeah. I think you are referring in
25 the report, certification was I think used in the portion

1 of the report regarding evaluations which feed into the
2 mapping program and help the mapping program determine,
3 you know, how to map the floodplains.

4 Certification is -- in the report I frankly think
5 was inappropriately used, because the evaluation program
6 is a data gathering effort. We're working with locals to
7 use that same information to support their efforts to get
8 their levees certified. And in that respect, that's where
9 it's used. But the primary goal of the evaluation program
10 is to understand the state of the system as it exists
11 today, under current state of practice. So to that
12 extent, this information is being used by the locals,
13 working in concert with the locals, to support their
14 efforts to get the levees certified or to get Corps
15 projects online, as in the case of West Sacramento.

16 VICE PRESIDENT HODGKINS: Thank you.

17 PRESIDENT CARTER: Any other questions for
18 Mr. Inamine? I have a couple.

19 On page 2 of the report, there was a reference to
20 a December 2007 DWR San Joaquin River System Levee Repair
21 Site Prioritization Report.

22 Did we get a copy of that, and what did that say?
23 I mean, this is the first I've heard of that. Did the
24 Board staff get a copy of that?

25 EXECUTIVE OFFICER PUNIA: I have seen a lot of

1 reports from the past in working with Mike Inamine that
2 prioritized order one, two, three, four, and five sites on
3 the San Joaquin system. Those were the big spreadsheets
4 and they are basic criteria.

5 I can work with Mike or Paul to get you the
6 information.

7 MR. INAMINE: Very briefly, what that is, is there
8 are -- we generally work within federal programs for
9 reasons I'm sure this Board is familiar with, in order to
10 get enhancement credit and reimbursement. We don't go off
11 on our own to do anything. We leverage as much federal
12 money as much as possible.

13 Now, there are criteria that were used for the
14 critical repairs program, well-defined in the Sacramento
15 system, through the Sac Bank Program, through PL 84-99.
16 And there were a couple of -- and there was also a look
17 at -- we also took a look at the San Joaquin system using
18 these same criteria. So in the absence of the federal
19 survey as part of the critical repairs program, we did an
20 evaluation of sites, of levees, in need of immediate
21 repair on San Joaquin system.

22 And so if you don't have that, Jay, we'll
23 certainly make that available to the Board.

24 PRESIDENT CARTER: I think it's important that the
25 Board knows particularly in areas of misjurisdiction where

1 there are concerns about the system.

2 So I think it's really important that in the
3 spirit of partnership and keeping us up to speed, that you
4 be sure and supply at a minimum the Board staff and
5 probably, preferably, the executive summaries of those
6 reports to the Board members.

7 It's kind of in the same spirit of the evaluation
8 reports that you are sending out. The staff needs to get
9 those, at a minimum. So I would encourage you to do that.

10 MR. INAMINE: Sure.

11 PRESIDENT CARTER: The other comment I have is
12 that DWR the governor's office made the announcement on --
13 what date was that? February -- early February. We
14 didn't get any advance notice of that.

15 When there are policy considerations like that,
16 that affect projects that are coming before the Board,
17 it's probably important that DWR notify the Flood
18 Protection Board staff that those things are coming,
19 before the morning of the event.

20 MR. INAMINE: Well, speaking as a staffer,
21 personally, I was totally surprised as well by some of the
22 comments that were made. But I will pass it up, that if
23 there's a way that we can get advance notice to the Board,
24 certainly you should be well apprised of it. So point
25 well-taken. We will do what we can.

1 PRESIDENT CARTER: Okay.

2 Any other questions or comments?

3 Excellent. Thank you very much.

4 MR. INAMINE: Thank you.

5 PRESIDENT CARTER: Let's take a -- oh, yes.

6 We have -- I'm sorry. As part of this agenda
7 item, we have Mr. Schimke to give us a legislative update.

8 Good morning and welcome.

9 MR. SCHIMKE: Thank you, President and Members.

10 Kasey Schimke, legislative director for the
11 Department of Water Resources. I was asked to just come
12 give a brief legislative update on current year
13 legislation as well as to discuss a little bit of what you
14 have already touched on, with regard to AB 5, SB 17,
15 AB 162.

16 First off, the deadline for introduction of
17 legislation in the Legislature is the 22nd of this month.
18 So we're still in the process of evaluating new
19 introductions, and we're not at a point necessarily where
20 all that there is has been introduced. So at this point,
21 I would almost like to say, you know, perhaps it may be
22 best to re-agendize that discussion once we have a full
23 docket, so to speak, of legislation.

24 But I was hoping to maybe just proceed into a
25 brief discussion about the issues that are going to be

1 discussed here with regard to the 2007 flood legislation,
2 if that's acceptable.

3 PRESIDENT CARTER: Certainly. Go ahead.

4 MR. SCHIMKE: What was handed out is just a copy
5 of AB 5, which is for the most part the culmination of the
6 majority of the legislation affecting the Board.

7 If I could take a quick second and note, because
8 it came up, the AB 162 requirements regarding the Board's
9 review of the safety elements, that was something that was
10 identified by DWR legal staff last fall, obviously, when
11 they were still primary counsel for the Board.

12 And one option that we were considering was some
13 flexibility, maybe providing the Board -- may review or
14 may prioritize your review primarily from a staffing,
15 staff load, budgetary perspective as well, so that you
16 don't get bogged down reviewing some of these safety
17 elements, but so that you can also prioritize from a
18 safety issue, from a, you know, size of the project issue
19 or size of community issue. That was just a suggestion
20 that we were looking at.

21 My office has been working with Jay and had a
22 phone conversation with Jay and Ms. Cahill, marching down
23 this path of having some of these discussions. I think
24 perhaps the next step -- you know, we are more than
25 willing to, you know, provide whatever assistance the

1 Department can to the Board in sharing information or
2 working with you in expressing the Board's, you know,
3 desires with regard to legislation. So I just want to
4 offer that up to the Board as well, that we are available
5 to assist you as you would like.

6 Through the fall, we had identified some wish
7 lists, so to speak, on what we thought might need to be
8 amended in AB 5, touching on some of the same issues that
9 were pointed out by President Carter and by Mr. Marshall
10 and, of course, in Jay's presentation.

11 The main areas were, again, dealing with the
12 permitting process and the evidentiary hearings. We had
13 some discussion as to, obviously, looking at the same, I
14 think, technical changes that you are looking at. We had
15 pointed out the broad application of the ex parte
16 communication and had discussed internally, at least, as
17 to whether or not that might actually -- if the
18 evidentiary hearing process can get worked out, perhaps
19 applying the ex parte just to those larger issues that are
20 impacted by the evidentiary hearings.

21 And then a series of, I think, technical fixes, so
22 to speak. There was a, I think, you know, could be deemed
23 an error in the language that applies the future term
24 limits of Board members to all nine, including the two ex
25 officio members, which was clearly not the intent, as

1 another section, you know, provides that it is simply the
2 chairs of the senate and the assembly committees on water.
3 So there were technical issues such as that.

4 But then there were the more specific that I think
5 you have all touched on as well. The application of
6 evidentiary hearings to every type of permit, you know,
7 something we had raised. And in the context of that, the
8 ex parte communication piece of that, as well as then
9 AB 162's requiring that the Board review those safety
10 elements.

11 As Jay pointed out and as Ms. Treabass pointed
12 out, also that this is a phasing in process that I know
13 Jay and staff have been working with our budget office
14 under this Memorandum of Agreement to work on a spring
15 finance letter to, you know, better lay out the
16 responsibilities and the needs of the Board. And I have
17 not personally been directly involved in those
18 discussions, but I know they have taken place, and I know
19 that maybe once we move to that level, that would be a
20 good discussion to have a little bit more thoroughly as to
21 what is going to be included in that discussion as well.

22 Some of what we had identified back in the fall,
23 the Department had identified back in the fall, does
24 appear to -- the Board has taken some, what I would call,
25 stopgap measures associated -- to fix that Memorandum of

1 Agreement.

2 One of the things that we had been looking at was
3 clearly delineating that the Board, you know, may utilize
4 the service of the Department for administrative purposes
5 for additional technical or engineering needs as
6 necessary. That appears to be something that, you know,
7 the current action on the MOA, between the Board and the
8 Department, is actually filling that -- filling that
9 perceived void that we had identified.

10 We had also -- we had also noted another technical
11 issue regarding what is the definition of a quorum for the
12 Board. Obviously, with two nonvoting members, something
13 that would just necessarily be from a technical
14 perspective -- need a minor change to make that work. And
15 then obviously, the discussion earlier about the
16 development of regulations as well as the discussion about
17 with regards to the permits and the utilization of the
18 consent calendar, those are all interim actions that I
19 think you are working on to get through some of the larger
20 issues we had identified.

21 So working with your staff and working with your
22 staff counsel, you know, we hope to keep this dialogue
23 open until determining, you know, what exactly is required
24 by way of statutory changes to make this work most
25 effectively.

1 And I think it's actually beneficial to have two
2 members of the legislature who will be seeing the
3 process -- you know, learning how things happen here with
4 the Board and also having that voice to work with the rest
5 of the legislature and making any of these necessary
6 changes.

7 SECRETARY DOHERTY: Mr. Schimke, how could getting
8 two new nonvoting members on the Board change what
9 constitutes a quorum?

10 MR. SCHIMKE: Technically, it doesn't. But the
11 way the language -- the language in existing statute
12 simply says, "A majority of the Board constitutes a
13 quorum." Now, there are nine members of the Board, two of
14 which are ex officio as opposed to seven. So that was
15 just something that was noted, possibly, as -- for a
16 little clarification purpose. Maybe need to say -- sorry.
17 It should be, "A majority of the voting members of the
18 Board." That was the extent of it.

19 SECRETARY DOHERTY: I see.

20 PRESIDENT CARTER: Butch?

21 VICE PRESIDENT HODGKINS: Clean-up language, is
22 that going to have to be carried in a bill?

23 MR. SCHIMKE: It would. While nothing has been
24 introduced yet, it's my understanding that the senate is
25 looking at some of the -- some of the broader technical

1 fixes associated with all six of the flood bills.
2 Corrections of statutory reference numbers and the likes
3 of that, some definitions, making them consistent, that
4 would need to be carried in a bill, and I know that's
5 being looked at. And so we've been just coordinating with
6 the Board staff and trying to set up some additional
7 meetings that I know you have been a part of with the
8 legislature, to follow up on some of those items we had
9 identified.

10 VICE PRESIDENT HODGKINS: I am a tiny bit nervous
11 in that I haven't heard anything about what the clean-up
12 language would contain, since last November. So is it
13 possible -- is it changed?

14 MR. SCHIMKE: The issues that were raised last
15 November are the same issues that are on the table. I
16 think some of the things that have changed that include
17 the Memorandum of Agreement with the Department that may
18 make some of the technical clarifications we identified
19 unnecessary; some of the actions such as, you know, the
20 Board needs to determine whether or not the use of the
21 consent calendar works, or is the permitting issue still
22 going to be an impediment for Board actions. And that
23 determination would ultimately kind of guide what the
24 Board's position on legislation would be.

25 But those issues from November were just the sum

1 total that we've identified, that I don't believe we've
2 had any.

3 VICE PRESIDENT HODGKINS: Okay. I think -- you
4 know, I want at least for myself personally to be sure our
5 staff and you are aware that anything that the Board is
6 going to be listed as supporting, I would like to see the
7 wording or the specific issues that we're addressing so
8 that somehow there's not an assumption made about what we
9 would support, and then we end up in front of the
10 legislature, potentially not even knowing what's out
11 there.

12 So I just want to caution you folks about, please,
13 the Board is very interested in understanding what's
14 proposed in the way of clean-up language.

15 MR. SCHIMKE: And absolutely. And as we work,
16 obviously, with the legislature, we'll be working with
17 your staff. Clearly, in the legislation that was passed
18 last year, the legislature intended the Board to have
19 autonomy from the Department.

20 So I am here simply, in essence, offering up our
21 services to work with your staff. We clearly see that --
22 the separation of the two and simply wanted to be of
23 assistance and won't be -- you know, don't plan to be, you
24 know, an impediment either to you having access to the
25 legislature or in any way doing that. We want to work

1 closely with your staff as we move forward.

2 VICE PRESIDENT HODGKINS: Okay. Thank you.

3 MEMBER RIE: Question.

4 PRESIDENT CARTER: Go ahead.

5 MEMBER RIE: Who's going to carry the bill?

6 MR. SCHIMKE: At this point, like I said, nothing
7 has been introduced yet. I know the discussions at the
8 end of last year were possibly a senate bill to clean
9 things up. I know -- at this point, I can't really say
10 who it might be. There are a number of options, and
11 maybe we can follow up with -- well, we will definitely
12 have an answer by the 22nd. And I can make sure that Jay
13 has that information as well.

14 MEMBER RIE: Now, as we as Board, as we go through
15 these bills, every time we probably read them, each of us
16 sees something that is unclear or we're not sure what it
17 really means.

18 So if there's a clarification that hasn't already
19 been brought up and discussed, who do we talk to if we
20 wanted to put further clarifications in the bill?

21 MR. SCHIMKE: My suggestion would be first to go
22 to Ms. Cahill and the Board's legal counsel perspective
23 first. If there are questions beyond that as to
24 legislative intent, we will obviously work with the
25 legislature on that and can either set up additional

1 meetings with the staff and/or members who work the
2 legislation, for clarification on that. But my first --
3 my first step would be to go to legal counsel.

4 MEMBER RIE: What about beyond clarifications?
5 What if there's something that should be added that's
6 brand new?

7 MR. SCHIMKE: The first step would probably be the
8 same, just to work internally and work that process
9 through. And then, you know, I will always be available
10 to the staff to have those discussions as we moved
11 forward.

12 MEMBER RIE: Okay. So can I call you directly if
13 I have some ideas?

14 MR. SCHIMKE: Sure.

15 But again, provided, I would defer to, you know,
16 your staff to be a part of that as well.

17 MEMBER RIE: Of course. Sure.

18 PRESIDENT CARTER: I would agree with Mr. Schimke
19 on the process. I might also suggest, though, that it's
20 not entirely inappropriate to ask our legislative members
21 of the Board. If there are clarifications, we can talk to
22 them and their staff, because they are members of the
23 Board, they were directly involved in the process and can
24 be valuable sources of information and input as well. So
25 I don't think it's inappropriate to encourage the Board to

1 do that.

2 The other thing, other comment I have,
3 Mr. Schimke, is I appreciate your offer of help and
4 assistance in the past. Since this was going on -- what,
5 in October. Discussions were happening in November. You
6 had been working very hard and diligently on this, on
7 behalf of DWR. But I think the administration and the
8 legislature is under the impression that you are also
9 representing the Board.

10 And the Board really has not had any direct input
11 into the proposed legislative changes. So this is in the
12 spirit of Member Hodgkin's comment that if you are
13 representing or giving anybody the impression that you
14 represent the Board, the Board needs to know what you are
15 saying before you do that. And so -- and we really
16 haven't been part of this process. DWR has primarily
17 spearheaded this effort on their behalf and to a certain
18 extent on our behalf. But as far as direct input, there
19 hasn't been a whole lot.

20 So we would appreciate being plugged into the
21 process more. And I think there ought to be more regular
22 communication between you and our staff, whether it's
23 Ms. Cahill or Mr. Punia, on these things.

24 So I fully appreciate that.

25 MR. SCHIMKE: Absolutely. And you know, as I

1 stated, as legislation, clean-up legislation, goes
2 forward, we've already had one conference call after
3 having shared language and discussed things. And our
4 intent is to -- any action we have on this issue is to
5 definitely advise the staff ahead of time and/or have the
6 staff with us as that happens.

7 PRESIDENT CARTER: That would be great.
8 Appreciate that.

9 Any other comments?

10 ACTING MEMBER TREABASS: I just wanted to make a
11 suggestion, not to confuse things anymore than they
12 already are.

13 But one method that has worked well with other
14 boards and commissions -- and I'm speaking personally as
15 staff to a legislative member is that you can work
16 internally with your own counsel and have your executive
17 director or -- you know, come and talk to a member on
18 behalf of the Board. That's what other commissions do.
19 Or if they do not have a Mr. Schimke that's what they will
20 do. They will appoint the executive director to be the
21 voice of the Board.

22 PRESIDENT CARTER: Okay. Great.

23 Any other questions, comments? I really
24 appreciate you coming by. Thank you very much.

25 MR. SCHIMKE: Thank you.

1 PRESIDENT CARTER: Let's take a ten-minute recess,
2 at which time we'll come back and we will address Item 7.
3 We will do that because that's a timed agenda item. And
4 when we get caught up or at a convenient time, we'll come
5 back and do Item 2, which was the Approval of the Minutes,
6 which is untimed, which we tabled.

7 So in any case, we'll come back in ten minutes and
8 be on Item 7. Thank you.

9 (Thereupon a break was taken in
10 proceedings.)

11 PRESIDENT CARTER: We are on Item 7, Three Rivers
12 Levee Improvement Authority Monthly Report.

13 I understand that Mr. Shapiro is going to be pitch
14 hitting for Mr. Brunner.

15 Good morning, Mr. Shapiro.

16 MR. SHAPIRO: Good morning, Mr. Carter.

17 Scott Shapiro, general counsel for Three Rivers
18 Levee Improvement Authority.

19 Mr. Brunner is in Yuba County working out the last
20 of the i's to be dotted and t's to be crossed on our
21 funding agreement so we can get this levee constructed
22 this year.

23 He's asking me to provide the report, and in the
24 tradition that he uses, I will go through and simply
25 update you on a few items since the writings, that you may

1 be interested in, and take any questions you may have.

2 On the bottom of the first page of the Three
3 Rivers report, there's reference to previous disputes
4 between Three Rivers and the landowner, Ms. Hofman, who
5 was running cattle on the WPIC. I wanted to let you know
6 that on the issue of fences and gates and cattle on that
7 levee, those issues are currently being handled between RD
8 784, which is the local maintaining agency, and
9 Ms. Hofman, and Three Rivers is not involved in those
10 discussions at the moment.

11 The new general manager for RD 784, Dan Fisher, is
12 here. And so you may be seeing Dan in the future on those
13 issues, and he'll be happy to answer any questions you may
14 have about the current process there.

15 I will jump to page 4, unless there are questions
16 that came before page 4.

17 The top of page 4, there's some discussion and the
18 highlighted section about the Three Rivers providing a
19 revised EA to the Corps and meeting with the Corps on
20 February 6th to discuss the adequacy of the NEPA
21 documentation. This is the NEPA documentation for the 404
22 permit we need to construct 20 percent of the setback
23 levee, and also on the 408 approval that we're waiting on
24 from the Corps, to do tie-ins for the setback levee, and
25 then degradation to the existing levee.

1 The meeting that we had on February 6th with the
2 Corps here in Sacramento was both a good and a difficult
3 meeting for us. It was good because the local district
4 staff was really working with us to try to get things
5 resolved and not slow us down. It was also difficult
6 because local district staff expressed concern that an EIS
7 might be required from the federal government for this 408
8 approval.

9 As you can all imagine, an EIS could add months
10 into the approval schedule and could delay us and we could
11 not construct the setback levee this year, which remains
12 our goal and something we can technically do if we have
13 the ability to do so.

14 As a result of that meeting, I traveled back to
15 Washington, D.C., on Wednesday of this week and I met with
16 Brigadier General McMahon, who's the division commander in
17 San Francisco, and with assistant secretary of the Army,
18 John Paul Woodley, who is the top civilian who oversees
19 the Corps. The meeting was convened by Congressman
20 Herger, who was kind enough to bring us all together to
21 discuss it.

22 We had a very positive meeting. The meeting did
23 not resolve whether an EIS is required. There were some
24 great discussions about why an EA was an acceptable NEPA
25 document. As a follow-up to that, I was on the phone

1 yesterday for two hours with four lawyers walking them
2 through the various legal arguments for why a EA is
3 adequate.

4 But the assistant secretary also noted that if an
5 EIS is required, he has already started negotiations with
6 CEQ. That's the Council on Environmental Quality. It's
7 the federal government's end of NEPA. And CEQ was
8 discussing certain waivers in the public notice
9 requirements for an EIS that can shorten the EIS process.

10 And so at this point, we really have two different
11 parallel paths we're pursuing: One is to obtain the EA,
12 and that will still allow us to do everything as we said;
13 the other thing is that we have to do an EIS, get a
14 shortened EIS approval but start construction of
15 proportions of the setback levee which do not require
16 federal approval, which do not impact waters of the U.S.
17 Therefore, no 404 permits are required and which do not
18 require 408 approval, the tie-ins.

19 We've had a lot of e-mail exchanges on this.
20 We've been cc'ing or forwarding all those e-mails to Jay
21 Punia so he's aware of our dialogue and being kept up-to-
22 date.

23 In the event that the second path is the path we
24 go down, we're going to need to sit down with your staff
25 to confirm that the permits that you are issuing, or will

1 issue, and the previous approvals are all consistent. We
2 want to make absolutely sure that not only the Corps is
3 okay with it, but that your staff is okay with it. And if
4 necessary, we'll come back and talk to the Board.

5 Our schedules will show our ability to complete
6 the setback this year and remains our primary goal.

7 The second item on page 4, the reference to draft
8 permit. We hope that the draft permit for the setback,
9 which you delegated to your general manager, or now
10 executive officer, for issuance, would have gotten closed
11 a little sooner. We understood your staff was very busy
12 preparing other items. It did get posted on the Web site,
13 and we're looking forward to working with your staff to
14 finalize the terms of that permit and hopefully get issued
15 in the next week or week and a half, which is the timeline
16 we discussed.

17 And then finally at the bottom of page 4, there's
18 reference to funding updates. The first amendment to the
19 second funding agreement, which is the amendment that
20 provides for the latest funding formula, is scheduled to
21 go before the Three Rivers Board on February 19th, which
22 is next Tuesday, and scheduled to go before the County of
23 Yuba Board of Supervisors the following week, on the 26th.

24 Once that is in place along with the state funding
25 agreement, a hundred percent of our funding will be set

1 up. Our latest discussions with the state indicates that
2 we should have that final agreement from the state to sign
3 sometime later this month.

4 I've seen the latest draft of the funding
5 agreement from the state, and it is an acceptable draft.
6 And we're simply waiting for the confirmation at this
7 point.

8 The final item on page 5 is to keep you updated on
9 building permits issued in this area. Four building
10 permits were issued in the month of January. That was
11 after none being issued for five successive months, so we
12 still see the housing market drastically impacted and
13 fortunately keeping people out of the floodplain, but
14 still hopefully keeping up growth that our developers are
15 feeling confident about our continuing this program.

16 So with that, I'm happy to answer any questions
17 you may have.

18 SECRETARY DOHERTY: I have a question for
19 Mr. Punia.

20 Did our staff request a year ago an EIS of Three
21 Rivers?

22 EXECUTIVE OFFICER PUNIA: At the state level, our
23 responsibility is to make sure that we comply with the
24 California Environmental Quality Act. The EIS is a
25 federal requirement, so we don't need to ask our applicant

1 to comply with the EIS. That's the requirement from the
2 U.S. Army Corps of Engineers.

3 SECRETARY DOHERTY: So had they been requested a
4 year ago?

5 EXECUTIVE OFFICER PUNIA: I think they are still
6 debating. The applicant's assumption is that
7 environmental assessment, which is a much smaller
8 undertaking as compared to an EIS, is sufficient for this
9 project, but the U.S. Army Corps of Engineers headquarters
10 is debating whether an EIS is needed or an EA is
11 sufficient. So I think the applicant is directly
12 coordinating with the U.S. Army of Engineers on this
13 subject.

14 MEMBER BROWN: Does CEQA have any involvement?

15 EXECUTIVE OFFICER PUNIA: They have complied with
16 the CEQA, and there's no issue about that. But I think
17 the question at hand is whether a full-blown EIS is needed
18 or an EA is sufficient.

19 And at our level, we are also working with the
20 U.S. Army Corps of Engineers with this task force, 408
21 task force. And we are working with the applicant and the
22 state. We are putting a frame work document where we
23 explain to the Corps all the projects so that the U.S.
24 Army Corps of Engineers and their headquarter staff are
25 aware of all the projects moving forward. And I hope that

1 they are satisfied with that frame work document and the
2 EA prepared by the applicant. But that, we have to see
3 what the final determination is from the Corps'
4 headquarters.

5 MR. SHAPIRO: And member Doherty, to address your
6 point as well, what's interesting is, the Corps has stated
7 that our EA, the draft document we prepared, an
8 environmental assessment, if it had an EIS, environmental
9 impact statement, cover page on it, it would be adequate
10 as an EIS.

11 Their concern is whether we meet the technical
12 definition of an EIS, or an EA in this case. It has
13 nothing to do with our analysis or the amount of
14 disclosure. It has to do with the way in which the
15 impacts are properly identified and the fact that they are
16 concerned about public disclosure aspects of it. We have
17 identified for them the extensive public disclosure
18 process under CEQA, as Member Brown identified; the nine
19 public hearings before this Board on the issue; the
20 adoption by this Board of the CEQA document; the adoption
21 by the Department of Fish and Game of our CEQA document;
22 the adoption by Three Rivers of our EIR; and the fact that
23 that should provide some of that public notice that's
24 required. And that's exactly what CEQ is looking at now,
25 in considering shortening the public review period.

1 SECRETARY DOHERTY: Thank you.

2 MEMBER RIE: To follow up on that, CEQA is way
3 more comprehensive than NEPA. And with your EA, together
4 with your EIR, isn't that way more comprehensive than
5 anything that the Corps can produce as far as an EIS? I
6 don't understand what they add, what the added benefit or
7 value is to go through the process of, you know, just
8 creating another document when the NEPA requirements don't
9 have as many requirements in terms of cumulative impacts
10 when you compare it to CEQA. So what's the added value
11 there?

12 MR. SHAPIRO: You are correct, that CEQA is a more
13 comprehensive statute. It requires mitigation; NEPA does
14 not require mitigation.

15 The concern by the Corps, as stated in the meeting
16 with the assistant secretary, is a great sensitivity to
17 flood issues in the nation after the New Orleans tragedy
18 caused by Katrina. And the feeling that the Corps needs
19 to be going as far as it can in publicly disclosing the
20 potential impacts of flooding to areas, and a concern that
21 an EA, by not having to go through a 45-day public scoping
22 process, and not having to go through a 30-day federal
23 public review process, and then not having to go through a
24 30-day publication after an NOD process doesn't provide as
25 much disclosure opportunity as an EIS would. That is the

1 concern, and those are the issues we're facing.

2 MEMBER RIE: But in your conversations with the
3 Corps attorneys, are you articulating that the state of
4 California does a lot more in terms of disclosure and
5 public notification and public notice than the federal
6 government?

7 MR. SHAPIRO: Yes. And the Corps attorneys asked
8 us to write up an explanation of that, which we did and
9 the Corps attorneys are forwarding it to the Council on
10 Environmental Quality to make their arguments.

11 MEMBER RIE: Okay.

12 PRESIDENT CARTER: Any other questions for Mr.
13 Shapiro?

14 I have a couple things. The -- kind of in
15 general, there were some references to the State
16 Reclamation Board. Many of them were appropriate given
17 that they were referring to past actions, prior to
18 January 21, 2008. There were some that were referring to
19 current things, so just ask your folks to try to comply
20 with the new names if possible, generally.

21 MR. SHAPIRO: Will do.

22 PRESIDENT CARTER: I had a question on page 4 of
23 the report. And you touched on this, but I didn't
24 internalize exactly what you said. Paragraph D at the
25 top, "The final plans were submitted at the end of January

1 so hopefully the encroachment permit will be issued by mid
2 February. TRLIA understands that this posting of the
3 draft permit will occur the week of February 4th," which
4 you said did occur.

5 I'm wondering, so what is the status of the
6 encroachment permit at this point?

7 MR. SHAPIRO: It was actually posted this week.
8 It wasn't able to get up on the week of the 4th due to the
9 holidays, is my understanding.

10 We reviewed the permit. We have set an internal
11 meeting within Three Rivers on Wednesday of next week to
12 consolidate our comments. I believe Paul Brunner has
13 requested a meeting of Jay Punia and Gary Hester or Steve
14 Dawson, whoever DWR staff are, for next Friday. And our
15 intention, if that timing works for your staff, would be
16 to meet with your staff next Friday, provide our comments,
17 and then assuming the comments are acceptable, I would
18 expect a permit would be issued the following week.

19 Jay, have I misrepresented anything?

20 EXECUTIVE OFFICER PUNIA: I think that's correct.
21 Tentatively, we are meeting either Thursday or Friday with
22 the applicants. They have comments on the draft permit.
23 And hopefully, we'll resolve it and we will be able to
24 issue the final permit.

25 PRESIDENT CARTER: Okay.

1 Next, item 2 on that same page, the utility
2 crossings. It looks like Qwest has surprised us on a few
3 of those things. There's an e-mail follow-up request to
4 the general manager on the 17th. What is the status of
5 getting those? I seem to recall that we were dealing with
6 utility crossings a year ago in this particular area.
7 What's going on here?

8 MR. SHAPIRO: On that item, I will need to defer
9 to Jay. I don't know the current status. I haven't been
10 engaged with it.

11 EXECUTIVE OFFICER PUNIA: I'm not up to speed on
12 this subject either. I think sometime back, TRLIA asked
13 that we coordinate with some of the utilities to get the
14 permits.

15 I think I need to maybe brief the Board at the
16 next Board meeting. I'm not up to speed on this subject.

17 MR. SHAPIRO: President Carter, would it be useful
18 for us to do a one-page letter, summarizing the status of
19 that, that we could send to your staff and your staff
20 could forward to the Board?

21 PRESIDENT CARTER: That would be helpful. And the
22 staff can add any comments or updates that they have to
23 that.

24 Yeah. And I guess we need to get with Qwest to be
25 sure that they understand that if they are working on,

1 through, or around the levees, they need to work with the
2 Flood Protection Board.

3 And then the EIP, with the governor's announcement
4 of accelerating the release of the EIP funds, I was just
5 wondering -- you mentioned that you expected to get
6 approval by the end of -- near the end of this month.

7 Do you expect to have money in the bank by the end
8 of this month? Or what do you think the actual release of
9 funds schedule is?

10 MR. SHAPIRO: We've been told that DWR expects
11 that once the agreement is signed by the state, funds can
12 be transferred within four weeks.

13 PRESIDENT CARTER: Four weeks. Okay.

14 So we're probably looking at the end of March,
15 then, for release -- for actually having money in the
16 bank?

17 MR. SHAPIRO: Yes, but the good news from a local
18 perspective is when we start expenses, our expenses don't
19 show up instantly; there's a 30-day lag. So once the
20 agreement is signed, we're able to start proceeding
21 knowing that money is coming in, and then it comes in
22 before our bills are actually coming in.

23 PRESIDENT CARTER: Okay. Thank you.

24 That's all that I have.

25 Any other questions for Mr. Shapiro?

1 Thank you very much.

2 MR. SHAPIRO: Thank you.

3 PRESIDENT CARTER: Mr. Foley, did you want to
4 speak on this particular item?

5 MR. FOLEY: Good morning, Board. Good morning,
6 Chairman. Tom Foley, Yuba City. Director of a small
7 nonprofit, Concerned Citizens for Responsible Growth, up
8 in Yuba County and Sutter County.

9 As I spoke before, we are concerned how this is
10 proceeding. As a member of the public, I would like to
11 make a strong protest to the state and Flood Protection
12 Board at the state level that these are state-owned
13 project levees we're speaking of. 1E money specifically
14 goes to the project, what they call the project levees,
15 state owned levees. The state with their -- I don't know
16 what you call it, their practice of dealing with TRLIA is
17 endangering the citizens up there.

18 Why is the state, DWR, the Flood Protection Board,
19 the governor's office, why is the state continuing with
20 this, leaving the public with this assumption that these
21 are local projects -- these are not local projects -- that
22 all the communities within the Central Valley are
23 protected by what they call the state project. You cannot
24 have a local project. That was attempted early in the
25 twentieth century. You could not have a locally protected

1 project because other parts -- you have to have an
2 agreement within the whole system to protect it.

3 I now have lived in Yuba County. Now I'm a
4 resident of Sutter County in Yuba City.

5 Our local paper had an article the other day.
6 They expect flood protection, 2017. That is -- to allow
7 that to happen, to allow that to be published in our local
8 paper, for the citizens to hear that. That is collected
9 by the state of California. That is not a local
10 responsibility. The state pays \$500 million under
11 Paterno. That is the state's supreme court decision.

12 RD 784, as a local flood control entity, was held
13 not responsible under Paterno. Those -- that is the state
14 supreme court decision, that these levees are state owned.
15 When they fail before overtopping under the hundred
16 year -- whatever the protection that the communities
17 expect, the state will be liable. They are paid under
18 Paterno.

19 The true cost estimated -- the true cost of
20 Katrina is going to be \$500 billion. This is why the Army
21 Corps has questions about that. That's why this thing --
22 this is mishandling by this Board, the state of this
23 process.

24 Post Katrina, post Paterno, post 1E, we have voted
25 3.1 million for the project levees. These are not local

1 projects. And the state, by continuing that, letting the
2 public assume they are local projects, is doing a
3 tremendous disservice to the public.

4 Delay is very costly. The state has to put in all
5 the rest of its cost of -- a yearly cost, when these
6 things are not risk costs. The state, and most
7 specifically this Board, that I have personal experience
8 with, is mishandling this and leaving the people, 500,000
9 people, behind the state project levees at risk much
10 longer than I believe is necessary.

11 Thank you.

12 PRESIDENT CARTER: Thank you. Okay.

13 Ladies and gentlemen, we'll move on to Item 8, the
14 consent calendar. We have four items in the consent
15 calendar: The Sutter County project; the Permit
16 No. 18059; the Delta Subventions Program; and the Caltrans
17 emergency repair work on Highway 165.

18 I do want to note that the Board received this
19 morning additional information on Item 8.B., Permit
20 No. 18059, and also additional staff information as well
21 as a finding of fact regarding the project mitigated
22 negative declaration, which I have been informed by our
23 legal counsel that that is appropriate and correct.

24 So what's the pleasure of the Board on these four
25 items?

1 MEMBER BROWN: Just had a question on 8.A.

2 PRESIDENT CARTER: For Item 8, we can either
3 entertain a motion to approve the entire calendar or
4 entertain a motion to approve individual items. They are
5 on consent, so we do not have -- what we have in our Board
6 packets is a staff report. There will be no presentations
7 unless we choose to remove things from the consent
8 calendar.

9 MEMBER BROWN: I just have one question,
10 Mr. Chairman, on 8.A. that the Board staff has not yet
11 reviewed the supporting information provided by the
12 County. And we're going ahead and recommending it anyway?
13 Today's letter dated -- no date, to Colonel Chapman.

14 PRESIDENT CARTER: The language in the letter to
15 the Corps from the Board, typically when we request 104
16 credit for these projects, the Board does request in
17 advance in doing their thorough technical analysis of the
18 application, essentially to get the funding process and
19 the 104 process launched by the Corps, and says that any
20 permits that are issued would be subject to staff or Board
21 approval.

22 SECRETARY DOHERTY: I had a question on the --

23 PRESIDENT CARTER: Did I answer that question?

24 MEMBER BROWN: That's fine.

25 PRESIDENT CARTER: Jay, do you want to add

1 anything to that?

2 EXECUTIVE OFFICER PUNIA: I think that's an
3 appropriate answer. And we will have a chance to review
4 it when we come to the 408 process and issuing the permits
5 on those projects.

6 MEMBER BROWN: Okay.

7 SECRETARY DOHERTY: Mr. Punia, my question was on
8 the components -- oh, the Sutter County Public Works
9 Department, the letter they sent to you. And in the third
10 paragraph, it says something to the effect that Star Bend
11 will be consistent with the objectives of ongoing
12 feasibility study and is a component of all 24
13 alternatives being considered for the Sutter Basin.

14 And they, the staff, is familiar with all 24
15 different alternatives?

16 EXECUTIVE OFFICER PUNIA: The feasibility study is
17 underway, but the perception is that this is such a
18 no-brainer solution that this will be part of -- I could
19 not say that all, but most of the proposed project under
20 the feasibility study, that this will be a component of
21 the final solution recommended by the feasibility study.
22 We have a consultant and a project engineer here, if you
23 want a more detailed answer.

24 I think that Sandi Maxwell or Jeff Twitchell can
25 provide more detailed response on this.

1 PRESIDENT CARTER: I think we want to kind of --
2 we're not getting -- this is a consent calendar. So we're
3 not having -- if there are points of clarification, I
4 would entertain that. But we're not going to have
5 testimony and presentations by the staff. If we do want
6 to do that, we need to remove it from the consent
7 calendar.

8 MEMBER BROWN: Mr. Chairman, I recommend that we
9 adopt the consent calendar.

10 PRESIDENT CARTER: Okay. We have a motion to
11 adopt the consent calendar. That's for all four items?

12 MEMBER BROWN: Yes, sir.

13 SECRETARY DOHERTY: I will second it.

14 PRESIDENT CARTER: And there's a second.

15 Okay. Any -- actually, there is no discussion on
16 consent.

17 All those in favor, indicate by saying "aye."

18 (Ayes.)

19 PRESIDENT CARTER: And opposed?

20 The consent calendar is approved.

21 Thank you very much. Okay.

22 We will move on to Item 9, 9.A. This is an
23 informational briefing, the Folsom Joint Federal Flood
24 Damage Reduction and Dam Safety Improvement Project
25 Information Update.

1 Mr. Charney, good morning and welcome.

2 MR. CHARNEY: Good morning, Mr. Chairman, Members
3 of the Board, General Manager Punia, and ladies and
4 gentlemen. Thank you for your time.

5 My name is Robert Charney, and I work in the
6 Project Development Branch, Division of Flood Management.
7 And in particular, I work on the projects out of Folsom
8 Dam on behalf of the Board and DWR.

9 Today, I was asked to come in to provide an
10 informational briefing, in particular to update the new
11 Board members. But I do believe I have enough new
12 information that I can also provide some information for
13 the existing Board members. So you've seen me several
14 times over the last few months.

15 We're going to touch on a few of the historic
16 milestones very briefly, and go over the project status.
17 I'm going to touch on some approaching milestones, some
18 that will be brought before the Board, some that are just
19 in the formal design process. And I will briefly touch on
20 the ancillary projects and give you the status of those.
21 And then, not on my list here, but Pete Ghelfi is in the
22 audience. He's the director of engineering for SAFCA.
23 And he's asked for about two minutes of your time to lend
24 his support to the work that we're doing together.

25 I will also -- I have a six-minute video that I am

1 going to ask the president if he wants to see. After I
2 get about halfway through the Board presentation, I will
3 bring that issue up again.

4 The projects that we're talking about, in essence,
5 what we have is a continuing multi-agency effort under the
6 Board-approved Folsom Dam Mods Project. And what we're
7 doing is building an auxilliary spillway out at Folsom
8 Dam, that meets federal, state, and local objectives.

9 I mentioned I would briefly touch on some
10 milestones, especially for the benefit of the new Board
11 members.

12 Back in July of 2001, this Board approved a
13 modifications project for Folsom Dam. That project
14 entailed enlarging and changing the existing outlets
15 within the super structure of the dam.

16 In March 2004, an agreement was signed among the
17 this Board, SAFCA, and the Corps, to go forward with that
18 work of enlarging the outlets in the dam.

19 After completion of studies, design, etc., in
20 March 2005, proposals were received by the Army Corps, and
21 the expected costs of the project far exceeded our
22 expectations and Corps' expectations. So a reformulation
23 took place at that point, and an auxilliary spillway which
24 was proposed for Folsom Dam, which could, in fact, meet
25 all of these objectives of the various agencies.

1 That was dubbed the Folsom Dam Joint Federal
2 Project. And in May 2007, we achieved a very important
3 milestone where the secretaries of Army and Interior,
4 representing the two major federal agencies in this
5 effort, jointly signed a record of decision to move
6 forward with the joint federal project, the new auxilliary
7 spillway. So we made tremendous progress.

8 July 2007, this Board approved the JFP, which is a
9 new configuration of an auxilliary spillway certifying
10 environmental documents, so we could move forward.

11 The end of 2007, a number of key items occurred.
12 We had full federal authorization for the new JFP project
13 under WRDA 2007. The state legislation passed
14 authorization allowing the state to participate. And in
15 fact, the Bureau of Reclamation, who was ready to go,
16 issued a contract, and work began on excavation of the
17 spillway.

18 We had a groundbreaking in January in which the
19 governor spoke. And we're making progress.

20 Here's a brief look at the spillway layout.

21 I would like to call your attention to the size of
22 this project and the scope. When you compare it to the
23 existing super structure of the dam, you can see, we have
24 a very big footprint on the ground, and it gives you an
25 idea of the scope of what we are doing.

1 Although this is getting dated, I do like to show
2 this artist rendering, which shows what the spillway will
3 look like, more or less. And you can also see the new
4 Folsom bridge, if you will, just south of the spillway.

5 Briefly touch on some finances for the project.
6 It's an \$847 million estimated total cost. Of that
7 amount, \$163 million is attributed to dam safety work and
8 is picked by the U.S. Bureau of Reclamation and their
9 partners, the water and powers users. Another \$683
10 million is attributed to flood depth reduction and is
11 picked up by the Army Corps of Engineers and their
12 partners, which includes this Board and SAFCA.

13 Zooming into the flood damage reduction costs, you
14 can see that the State of California share is
15 approximately \$167 million. I don't need to read all the
16 other figures to you, I'm sure.

17 That division of costs represented approximately
18 80 percent/20 percent split between flood damage reduction
19 and dam safety. That's how it was determined.

20 So what the project team did was split up the work
21 that needed to be done, approximately
22 80 percent/20 percent on cost, and that generated work
23 packages, some that the Corps takes responsibility for and
24 some that the Bureau of Reclamation takes responsibility
25 for.

1 The major work packages are listed for here for
2 you, so you can see who's doing what. I will start at the
3 bottom here. The Bureau of Rec is excavating the
4 spillway, so their work comes first. They're also doing
5 the environmental work, environmental mitigation, so that
6 works comes first.

7 The Corps will follow along with development of
8 the full six-gated structure lining the spillway,
9 developing an approach channel and a stilling basin.

10 As I mentioned, the U.S. Bureau of Reclamation,
11 because they're working under expedited action, they're a
12 little bit ahead of the Corps and their work packages come
13 first. They actually, as I mentioned earlier, had issued
14 a contract for excavation of the spillway, taking out the
15 first materials, common materials, and some rock blasting.
16 And this is a picture, if you will, of the hole that they
17 are digging now.

18 So I mentioned that they had let a contract. We
19 had a groundbreaking.

20 I would also mention that the second package that
21 the U.S. Bureau of Reclamation is developing is called
22 Phase 2 excavation. That will actually cut the spillway
23 down to very near its final grade. And the design of that
24 is being finalized now. We expect that they will let that
25 package in either September or October of this year, let a

1 contract for that work. So again, we're making tremendous
2 progress on bringing flood protection to Sacramento.

3 In terms of the Corps's responsibility and our
4 responsibility for flood damage reduction, design is well
5 underway. Four physical models have been in operation and
6 are still in operation through this summer.

7 As I mentioned, I have a video that if you would
8 like to see, you can see those physical models and what
9 they show. I also have a few slides I will go through as
10 well. It's certainly interesting to the engineers amongst
11 us, so it may be of general interest as well.

12 Geotechnical exploration continues. We're moving
13 a lot of common material, moving a lot of rock, and it
14 involves a lot of geotechnical work.

15 Structural design is underway -- determining the
16 sizes of walls, the sizes of baffle blocks in the
17 spillway, etc., for a large hydraulic project.

18 Feel free to stop me if you have questions.

19 Here's just a brief picture of one of the physical
20 models that was at Utah State. This is of the structure
21 itself. We had to blast through these, because I do have
22 a video, as I said, that will give you some more
23 information, and I can certainly go back to that.

24 This is a model that was done in San Anthony
25 Falls, Minnesota, of the spilling basin and the steps

1 spillway. So a closer look at that. The steps are -- in
2 real life, will be approximately 3 foot high, and the
3 steps are there to dissipate energy as the water flows
4 down through this building.

5 This is just a picture overview of the hydraulic
6 lab in Denver, which was used to create one of the largest
7 models for this project, which is called the confluence
8 model.

9 Here's a picture of it in construction.

10 And here's the model in operation. You can see in
11 the center of the picture, a mock-up of Folsom Dam itself
12 with water flowing. Immediately to the right, you can see
13 the auxilliary spillway coming in.

14 On the lower left, you see a couple of black posts
15 with a board. That represents the bridge, the new bridge,
16 and the location of the piers of that bridge.

17 This model is used to evaluate the impact of flows
18 coming from the two sources now, from the original dam and
19 from the new spillway.

20 Mr. Chairman, would you like me to show a
21 six-minute video of the physical models?

22 PRESIDENT CARTER: I think that would be
23 interesting. Yes, please.

24 MR. CHARNEY: I don't have sound. Most of the
25 sound you would hear would be water running, anyway.

1 But here, you see the hydraulic lab in Denver,
2 Bureau of Reclamation. We're going to bounce from model
3 to model, just sort of patch this together here. Here's
4 some pictures of construction of the model. You can see
5 the effort.

6 (Television screens go dark.)

7 PRESIDENT CARTER: We can't see the effort.

8 MR. CHARNEY: Oh. That, I don't know what to do.

9 I can see it.

10 Should I start it over again?

11 Okay.

12 What you're looking at there is -- one of the uses
13 of these models is determining what goes wrong. There's
14 an example, where we're looking at instead of using the
15 rectangular channel, having a trapezoidal channel did not
16 work. And that was one of the things we learned in that
17 physical model. So we moved forward with looking at a
18 rectangular channel. Here, you can see, the water stays
19 within the spillway, which is what we desire.

20 Here, we're on a vortice hunt. This is top of the
21 model where water is plunging into the gates. And our
22 goal is to eliminate vortices, which reduce hydraulic
23 efficiency and actually can be damaging to the structure.

24 This structure that you are looking at has been
25 modified because there were a few vortices found. But in

1 the current configuration that's being designed, there are
2 no vortices.

3 This is again looking at the downstream with the
4 now rectangular channel and rooster tails, which also need
5 to be considered in terms of hydraulics.

6 Quick look at the gates, as they were modeled.

7 Now I'm going to jump forward to the San Anthony
8 Falls model, the chute and stilling basin. Here, you're
9 looking upstream at the chute. Those little black
10 orifices are the gates, looking upstream from the model.

11 MEMBER RIE: Was that a 26 scale model? That
12 scale flashed really quickly.

13 MR. CHARNEY: Yes. 26-to-1. I do get that mixed
14 up. There's a 30-to-1 and a 26-to-1, and I do sometimes
15 get them mixed up. But be rest assured our modelers are
16 aware.

17 There you can see, again, the model 3-foot high
18 steps used for energy dissipation.

19 And you can see baffle blocks. That configuration
20 of the baffle blocks has changed currently. But there's
21 an idea of what's going to be constructed at the bottom of
22 this spillway, looking up at the chute.

23 Now we have a flow going over it, looking for
24 standing waves. We're looking for all sorts of -- we're
25 trying to determine the wall height for the chute,

1 estimating whether we have cavitation issues on each step.

2 As you get down -- we'll take a look at the
3 stilling basin. One of the things that your hydraulic
4 engineers are looking for is where the hydraulic jump
5 occurs, which is to say, where does that white foamy water
6 start? Because that's very damaging water, and it needs
7 to occur within the concrete stilling basin, as opposed to
8 occurring in the natural channel where it would be
9 erosive.

10 As a result of this modeling effort, we have
11 actually lengthened the stilling basin an additional 80
12 feet, to make sure that we encompass that damaging water.

13 A quick view of the dam so that you can take a
14 look. There's the confluence model dam, and now we see it
15 in operation. Flows coming through the emergency gates on
16 the right. Pan over, now you can see the new spillway,
17 waters following through. I think this video will do that
18 again.

19 One of the questions we have been answering as a
20 result of this model is how large does the wall need to be
21 in that stilling basin such that the flows are not
22 damaging, when flows from the existing dam impinge on
23 flows coming from the spillway.

24 These efforts are going to continue, probably,
25 through June. So we won't have final reports until June.

1 And you are going to see, we're taking a look at the flow
2 of the river. There again, you see a modeling of the
3 bridge, Folsom bridge.

4 And what wraps up the video is -- that large
5 confluence model was in Colorado. And the Colorado local
6 news team did a piece on that because of the degree of
7 engineering effort. This same piece was shown in the
8 Sacramento channels on the Sacramento affiliate. I've
9 also been told, though I haven't seen it, that this
10 modeling work has been featured on Modern Marvels. I do
11 need to go look that up and see if it's there. So again,
12 gives you a perspective for the level of engineering
13 effort and what we're doing to protect Sacramento.

14 I'm going to move on and finish my presentation.

15 I have just two more slides. I mentioned that I
16 was going to discuss approaching milestones.

17 The Corps is finishing an economic reevaluation
18 report. It's imprinting which you can get at any time.
19 It's basically a relook at the economics of the project,
20 verifying from a federal perspective that there's a
21 federal interest in this project.

22 It's a bit overwhelming verification that there's
23 a federal interest in this project. So no issues arose
24 out of that report.

25 In April, we're expecting our first 35 percent

1 designs submittal for the whole project. It's an
2 important milestone. At that time, the project will again
3 be broken up into pieces and different contracts will be
4 let -- for example the structure, the chute, and the
5 stilling basin. But at the 35 percent design, we're going
6 to see the whole package.

7 I mentioned that the reclamation for their part
8 are going to start excavation of the final lines and grade
9 for the chute, for the spillway. They are going to let
10 that contract in September or October.

11 Of particular importance to this board, we have
12 authorization at the state level and the federal level,
13 but we're still working under the old PCA agreement for
14 this project. We could do that because the project is
15 functionally equivalent from the Corps's perspective, but
16 we do need to update our agreement and reflect new costs,
17 reflect new configuration. That should be before this
18 Board spring or summer as we hammer out the language.

19 Also, Reclamation has advised us that there was
20 additional information that could apply to CEQA. As such,
21 they developed a new EA, and that's going on the street
22 shortly. And that will also come before this Board for
23 CEQA approval.

24 There are other projects at Folsom. Certainly,
25 the most exciting and active project is the spillway. The

1 Folsom Dam raise project is still in the wings. It is not
2 moving forward quickly, but waiting for us to get the
3 spillway complete. But at some point, we will revisit
4 placement of three emergency grates, raising the dam, and
5 the associated part of that project is some environmental
6 restoration.

7 When the spillway is complete, there will be a
8 reoperation plan required for the spillway. And that is
9 an ongoing separate effort that is getting off the ground
10 now.

11 New release diagrams and the like will have to be
12 designed for Folsom Dam. And as I mentioned, the Folsom
13 bridge is an ancillary connected project to the spillway.

14 So I am willing to entertain questions or ask Pete
15 Ghelfi to come up and lend his support.

16 MEMBER BROWN: What's the combined capacity of the
17 two spillways?

18 MR. CHARNEY: That's a complex question. The
19 combined capacity will be the PMF, what's known as the
20 probable maximum flood, which is to say that the project
21 will be able to pass the probable maximum amount of water
22 safely, but that does not protect Sacramento. The
23 project's being designed to pass 160,000 CFS under most
24 flood conditions, and that's a 200-year flood. And that
25 160,000 CFS is what the downstream levees are being

1 designed to handle.

2 MEMBER BROWN: The 1986 flood had 160,000 cubic
3 feet per second in the American River. It was within a
4 heartbeat of overflowing at that time.

5 MR. CHARNEY: Which is one of the reasons we're
6 trying to get this done as quick as possible as well as
7 moving on the common features, working on getting levees
8 downstream to the point where they are capable of passing
9 160,000.

10 MEMBER BROWN: The improvements downstream will
11 enable 160,000 CFS.

12 MR. CHARNEY: They have been ongoing, yes.

13 SECRETARY DOHERTY: What was the flood flow in --
14 of what year was it?

15 MEMBER BROWN: In 1986, they had 130,000 cubic
16 feet per second going down the American River. And it was
17 within inches of overtopping in several places.

18 This is an amazing feat, really, the Corps and the
19 Bureau of Reclamation and the Department put together.

20 MR. CHARNEY: And this Board as well.

21 Thank you.

22 MEMBER BROWN: Yeah. Doing a good job, a
23 wonderful job.

24 PRESIDENT CARTER: Mr. Punia?

25 EXECUTIVE OFFICER PUNIA: Just want to make two

1 comments. One is, in my reassessment, I showed you the
2 Flood Project Development Branch supporting the
3 Reclamation Board projects. So Robert Charney is part of
4 that group. And Anna Hegedus is the branch chief of Flood
5 Project Development Branch. So Anna's staff helps the
6 Board in these types of projects where we are the
7 nonfederal sponsor, and U.S. Army Corps of Engineers, and
8 in this case, the Bureau of Reclamation taking the lead,
9 developing these projects. And Robert is doing an
10 excellent job of keeping this project moving.

11 The second comment I want to make is, this is a
12 cornerstone project to bring a higher level of protection
13 to the metropolitan Sacramento area as long as with other
14 downstream projects. In the absence of Auburn Dam, this
15 is the key feature to bring the metropolitan Sacramento
16 area to a higher level of protection.

17 Thank you.

18 MR. CHARNEY: Thank you.

19 PRESIDENT CARTER: Any other questions for
20 Mr. Charney?

21 Thank you.

22 Mr. Ghelfi?

23 MR. GHELFI: Pete Ghelfi, Director of Engineering
24 for SAFCA. I do appreciate the time here and to address
25 this new board. I've addressed the old Reclamation Board,

1 but not the Board with this new title.

2 So welcome.

3 SAFCA -- this is a cornerstone project, as Jay had
4 mentioned. We strongly support it. We sincerely
5 appreciate the partnership that we have with the State of
6 California and the Corps of Engineers and the Bureau of
7 Reclamation, of moving this importance project at light
8 speed. We are on a schedule; we are on track. And all
9 the activities taken by your Board really moves this
10 project along. We sincerely appreciate the cooperation
11 that we have.

12 To address Mr. Brown's question about 1986, the
13 largest storm on record in the 150 years of record,
14 basically that we've been keeping in the area, by the time
15 we took a look at the levee strengthening that we've done
16 along the American River improvements to the Folsom Dam,
17 we can handle a storm about 50 percent larger than what
18 we've ever been keeping track of in our recorded history.
19 So we are taking a leap, moving forward, and this is a key
20 element in getting us to a higher level of protection.

21 So keep up the good work. And we appreciate the
22 partnership.

23 Thank you.

24 PRESIDENT CARTER: Any questions for Mr. Ghelfi?

25 Thank you very much.

1 Mr. Charney, do you have anything else?

2 MR. CHARNEY: No, sir, other than I'm very proud
3 to be part of this.

4 PRESIDENT CARTER: Thank you.

5 Okay. Next on the agenda -- we're a little ahead
6 of schedule, so we'll go back to Item 2, which was
7 approval of the minutes. As you will recall, we tabled
8 this, this morning pending comments from Member Teri Rie.

9 So we have before us minutes from October 18, 19;
10 special meeting for December 7th; and minutes from the
11 20th and 21st. The agenda is dated the wrong dates. I
12 apologize for that. It's dated 18th and 19th, but in
13 fact, the meetings were held on the 20th and 21st.

14 So are there -- could we -- maybe let's take the
15 minutes in sets.

16 Madam secretary, how would you like to proceed?

17 SECRETARY DOHERTY: I would like to go with the
18 18th and 19th.

19 PRESIDENT CARTER: Okay. 18th and 19th, are there
20 any proposed changes to those minutes that we received?

21 MEMBER BROWN: I move the approval, Mr. Chairman.

22 PRESIDENT CARTER: Okay. We have a motion.

23 MEMBER RIE: Second.

24 PRESIDENT CARTER: And a second.

25 Any discussion?

1 All those in favor, indicate by saying "aye."

2 (Ayes.)

3 PRESIDENT CARTER: And opposed?

4 Motion carries.

5 SECRETARY DOHERTY: On the next one, before we
6 start, there's several corrections. December 7th was not
7 a regular meeting; it was a special meeting.

8 And on page 2, third paragraph from the bottom,
9 second sentence from the bottom, it's not the DWR, but the
10 secretary of resources is what it should read.

11 And on page 3, second paragraph from the bottom
12 should read, "President Carter summarized the executive
13 committee's near term approach of trying to establish an
14 organization within DWR where this board has direct
15 control over the functions that are critical to policy
16 making and technical analysis yet still retain DWR
17 administrative support."

18 And I have a copy of that statement if anybody
19 wants it.

20 PRESIDENT CARTER: Are there any other proposed
21 amendments to the -- or changes to the minutes from
22 October -- or December 7th special meeting?

23 The comment regarding the special meeting refers
24 mostly to the header on the document. On the minutes in
25 the upper right-hand corner of each page, it says

1 "Reclamation Board, Regular Meeting, December 7th." And
2 that should really read, "Special meeting."

3 If there are no further suggestions, we'll
4 entertain a motion to approve.

5 MEMBER BROWN: So moved.

6 PRESIDENT CARTER: And a second?

7 VICE PRESIDENT HODGKINS: Second.

8 PRESIDENT CARTER: We have a motion and second.

9 Any discussion?

10 All those in favor, indicate by saying "aye."

11 (Ayes.)

12 PRESIDENT CARTER: And opposed?

13 Motion carries.

14 SECRETARY DOHERTY: May I hold -- I would like to
15 go ahead with the 20th, if we may. And I would like to go
16 back and refer to our transcript for the 21st.

17 PRESIDENT CARTER: For some additional changes on
18 the 21st?

19 So the minutes as published for December 20th, any
20 suggested changes?

21 MEMBER BROWN: Move the approval.

22 PRESIDENT CARTER: We have a motion to approve
23 minutes for December 20th.

24 Second?

25 VICE PRESIDENT HODGKINS: Second.

1 PRESIDENT CARTER: We have a second.

2 MEMBER RIE: Discussion on that.

3 PRESIDENT CARTER: Yes.

4 MEMBER RIE: For the ceremonial proclamations, I
5 think we're missing one, Item No. 5.

6 PRESIDENT CARTER: That might be at the end, I
7 think. But let me see. If it's the one that I am
8 thinking of. Under Item 12, adjourn.

9 Are you thinking of Dr. Harder's Proclamation?

10 MEMBER RIE: Yeah. I think we should probably
11 move that particular item to No. 5. I don't know if we
12 want to rewrite these or not.

13 PRESIDENT CARTER: So the suggestion would be
14 to -- the first paragraph under Item 12, maybe it would be
15 to delete that and add Dr. Harder's name to the paragraph
16 under Item 5.

17 Would that be appropriate?

18 MEMBER RIE: Yes.

19 PRESIDENT CARTER: Okay.

20 Any problems with that, Mr. Brown?

21 MEMBER BROWN: No problem.

22 PRESIDENT CARTER: Seconder?

23 VICE PRESIDENT HODGKINS: That's fine.

24 PRESIDENT CARTER: Does that satisfy your
25 concerns?

1 MEMBER BROWN: I will move approval with that
2 change, Mr. Chairman.

3 PRESIDENT CARTER: Okay.

4 VICE PRESIDENT HODGKINS: Second.

5 PRESIDENT CARTER: Any other, further, discussion?

6 Okay. All those in favor, indicate by saying
7 "aye."

8 (Ayes.)

9 PRESIDENT CARTER: And opposed?

10 Motion carries.

11 SECRETARY DOHERTY: May I -- Mr. President, may I
12 just simply remind the Board that should they want word
13 for word, these are condensations. If you go to our Web
14 page, you can look up transcripts, and it will have
15 everything on there, every "uh" and "huh." Just thought I
16 would mention that.

17 PRESIDENT CARTER: All of the misspeaking that I
18 do at these meetings.

19 Excellent. There's another one. Very good.

20 So we will table the approval of the minutes for
21 December 21, 2007, to our next meeting.

22 And that concludes Item 2. So we are on to --
23 what time is it? We have some time before lunch.

24 We could go ahead and knock out some other untimed
25 items such as Board comments and task leader reports.

1 Are there any comments the Board would like to
2 share with everyone, or any task leader reports?

3 The one task that I've been involved with is the
4 transition, and Jay gave an excellent summary of what
5 we're doing there, the status. I'd be happy to answer any
6 questions that have come up since then.

7 Mr. Hodgkins?

8 VICE PRESIDENT HODGKINS: Maybe a 408 report. We
9 have a task force that was sort of a foundation document
10 produced by DWR within -- from the Board members. And
11 project proponents that went to the Corps, we received
12 Corps comments on that, I don't know, right around the end
13 of January.

14 The comments were a bit cryptic. It was a little
15 hard to figure out what the issues were the Corps was
16 raising in the comments. There was a conference call that
17 was initiated by Rod and his -- I forget what they say,
18 his compliant minions, these compliant minions being Tim
19 Washburn with SAFCA and Les Harder who was working for
20 SAFCA under his job.

21 And I inserted myself into that conference call
22 because I thought that there should be a Board member
23 present. And that was basically four hours on two days,
24 going through the details of those comments and discussing
25 with the Corps how we would modify this foundation

1 document to respond to the Corps's conference.

2 I'm pleased to report that there was agreement on
3 how we would go about doing that. There is a revision to
4 the document that is going to be produced before the next
5 conference call, which I think is currently scheduled for
6 the 27th. And so there is progress there. And there is
7 Corps guidance coming out, sort of separately. But in
8 conjunction with this, one of the issues that's been back
9 and forth is whether California would have an opportunity
10 to comment on that guidance.

11 It was initially intended to be national guidance,
12 so then you can't let California can't look at it unless
13 they share it with the rest of the nation. There is no
14 thinking that almost the decision to direct the initial
15 guidance, specifically of California, in which case there
16 would be an opportunity to work through it with us.

17 So I don't want to be overly optimistic, but there
18 was a definite change, I think, in the discussion with the
19 Corps and the desire to move forward. And we'll see after
20 the next conference call if that's really working.

21 Any questions?

22 PRESIDENT CARTER: Are you optimistic that we're
23 going to be making progress soon?

24 VICE PRESIDENT HODGKINS: I am.

25 I think Clark Frentzen, who's the division guy who

1 is taking the lead, was very helpful in explaining the
2 Corps's concerns through the comments in a way that we
3 could understand them. And there was discussion back from
4 our side about how we would address that. And generally,
5 I think Clark felt in most instances that approach would
6 work. So we'll just have to see how it goes.

7 In the meantime, we have projects that we're
8 trying to move forward that are getting caught up in 408,
9 NEPA documents, and the whole thing, both SAFCA and Three
10 Rivers. And this will not necessarily address the NEPA
11 issue.

12 So we will have to see how that works, works out.

13 PRESIDENT CARTER: Okay. Any questions for
14 Mr. Hodgkins?

15 Ms. Rie?

16 MEMBER RIE: If I could just add to that, I think
17 the Corps sincerely wants to help move these projects
18 forward. The problem is, they are trying to look at it
19 from the national perspective back in Washington D.C. and
20 their attorneys, all 1,000 of them, don't necessarily
21 understand how environmentally friendly we are and how we
22 try to mitigate our impacts. And we're looking at
23 cumulative impacts, and we're mitigating 10-to-1 in most
24 cases. And they don't do that on the East Coast and back
25 in Washington, D.C., and down in Louisiana.

1 So it's very difficult for them to put themselves
2 in our shoes and know that we're so far advanced in the
3 mitigations.

4 So they are thinking if they are going to make all
5 these levee improvements, we don't want anything to happen
6 and there should be mitigation. So part of it is
7 educating the Corps and getting them up to speed and
8 getting them to understand everything we're doing.

9 And I think that's moving forward. And once the
10 Corps understands, you know, they are going to be a lot
11 more willing to say okay to move these projects forward.

12 PRESIDENT CARTER: That's encouraging.

13 VICE PRESIDENT HODGKINS: I think Teri is right
14 on, plus, in addition to that, I think the Corps had no
15 understanding really of the changes to California's
16 approach in the Central Valley that came out of the recent
17 legislation. And as Clark began to understand that, it
18 parallels very closely some policy initiatives that are
19 under consideration at the federal level by the Corps.
20 And so he was, I think, letting us know it's important to
21 get the word out about the changes that are coming as a
22 result of that legislation as well.

23 PRESIDENT CARTER: Thank you.

24 Mr. Brown?

25 Ms. Rie, do you have any comments, task leader

1 reports?

2 MEMBER RIE: No.

3 PRESIDENT CARTER: Okay.

4 Ms. Doherty?

5 SECRETARY DOHERTY: Yes.

6 My favorite subject, the Sutter Bypass, part of
7 the flood control system. Today, there is supposed to be
8 in Mr. Punia's hands the hydraulic modeling for the Sutter
9 Bypass.

10 Is it in your hands today?

11 EXECUTIVE OFFICER PUNIA: Not yet.

12 SECRETARY DOHERTY: Are you expecting it?

13 EXECUTIVE OFFICER PUNIA: I think last time I
14 checked with Joseph, he was saying that the model should
15 be complete soon. But I haven't lately checked the
16 status.

17 SECRETARY DOHERTY: That's all right, because I
18 got an e-mail. And they said -- they assured me it would
19 be in your hands today, so I'll check on it Monday.

20 But we did meet with Doris Matsui's staff out
21 there, and they walked out with us through the bypass.
22 And we're meeting next week with Harder's staff and some
23 other people. And we'll be walking out through the bypass
24 once again.

25 So that's all I have to report.

1 PRESIDENT CARTER: Mr. Brown?

2 MEMBER BROWN: Nothing further, Mr. Chairman.

3 PRESIDENT CARTER: Okay.

4 Mr. Punia, did you have anything?

5 EXECUTIVE OFFICER PUNIA: I think I just want to
6 echo what Vice President Butch Hodgkins and Board Member
7 Teri Rie, referring to that Corps -- that we are working
8 on this task force and hopefully we'll reach where they
9 can approve these projects. And to support our effort,
10 Governor Schwarzenegger has sent a letter to the President
11 on February 6th. He highlighted the same issues we are
12 tackling, that the Corps should expedite the 408 approval
13 process. And the other item he mentioned in his letter is
14 that reforming credit rules to all California to invest
15 state funds far beyond the Corps's capability now, and see
16 recommendation in later years.

17 And third item is that the Corps should provide
18 the matching funding to the state's efforts to upgrade the
19 flood control project. So I think we will be sharing this
20 letter, obviously, at the next task force meeting to bring
21 to the attention that there's a need to get these projects
22 approved by the U.S. Army Corps of Engineers so that we
23 can keep going and implementing these projects.

24 PRESIDENT CARTER: Okay. Ms. Treabass, did you
25 have anything you wanted to comment, add to, anything to

1 share with us?

2 ACTING MEMBER TREABASS: No.

3 I could probably speak to the legislative dec
4 coming up next Friday. There will be clean-up legislation
5 for -- from SB 585, SB 17, AB 162, and AB 156 from last
6 year.

7 It may have already been introduced. I believe
8 Senator Machado is carrying that bill. And I know it was
9 being circulated yesterday for signatures. So you should
10 see it sometime in the near future as far as an actual
11 bill.

12 PRESIDENT CARTER: So that's an update from over
13 and above what we got from Mr. Schimke this morning.

14 ACTING MEMBER TREABASS: And I also would add to
15 that, we are looking forward to seeing your BCP or
16 whatever you come forward with in the spring as far as
17 your needs. I think we're all looking forward to seeing
18 what you need.

19 PRESIDENT CARTER: And we appreciate your help and
20 support on those needs.

21 MEMBER RIE: And thank you for that update.

22 PRESIDENT CARTER: Okay. Ms. Cahill, did you have
23 anything you wanted to add or update?

24 LEGAL COUNSEL CAHILL: I just wanted to inform the
25 Board that this week we received notice of two lawsuits

1 that have been filed against the Sacramento rail yard's
2 project, the Thomas rail yards agreement with City of
3 Sacramento.

4 We are not named; the Board is not named as a
5 party in either of those lawsuits. But under CEQA, once a
6 lawsuit like that starts, notice is supposed to be given
7 to all potential responsible agencies. So we are one of a
8 whole page full of responsible agencies. We got notice
9 that there were two lawsuits against that project, and
10 we're looking to see if there's anything that we need to
11 do, although my preliminary view is that there isn't.

12 PRESIDENT CARTER: Okay. Okay.

13 Thank you.

14 Mr. Hodgkins.

15 VICE PRESIDENT HODGKINS: I'm not certain of this,
16 but I think there might also be a lawsuit challenging CEQA
17 on SAFCA's flood control project.

18 Did we get the same kind of notice of that? That
19 would have been a month or two ago.

20 LEGAL COUNSEL CAHILL: I don't believe we did.
21 And I will check. Not that I'm aware of.

22 EXECUTIVE OFFICER PUNIA: I haven't seen either.
23 But you are aware that there was a lawsuit filed for the
24 SAFCA's project.

25 PRESIDENT CARTER: Okay. I had a request for

1 clarification with regard to some of the task groups, in
2 regard to the ex parte rules, specifically, for example,
3 the interagency collaborative forum. And I was talking to
4 Member Burroughs who sits -- has historically sat on that,
5 and she was concerned about continued participation in
6 that. In light of some of the discussions of that, that
7 particular forum has had, when the conversations -- for
8 example, they have been focused intensively over the last
9 18 months on critical erosion sites. And they talk
10 specifically about projects from the standpoint of the
11 resources agencies and the flood control agencies are
12 trying to come to some sort of agreement as to what can be
13 made, what can be done.

14 So they are -- I don't know if it's appropriate
15 language, but they are kind of trying to arrive at deals
16 in those meetings. And those are projects that
17 potentially may not have started the permitting process,
18 but will come before the Board. So she was a little bit
19 concerned about that. I reiterated to her that really
20 that interagency collaborative forum was formed originally
21 to try and streamline the permitting process.

22 And to the extent they can get refocused on that,
23 that's a policy issue of looking at how they can make the
24 process satisfy everyone's needs in a more timely fashion.
25 And to the extent that the conversations are around that,

1 that that's entirely appropriate for her to participate
2 in.

3 So she may be contacting you, Ginny, to get
4 clarification on specific things. She was interested in
5 what -- getting your perspective or Dan Fua's perspective
6 was in terms of how you characterize those conversations
7 and whether or not they are policy and do not present an
8 ex parte problem or they do.

9 So I would suggest you contact Rose Marie and/or
10 maybe if you can tell Ginny kind of -- you can give your
11 perspective on the character of those conversations and
12 then Ginny can advice Rose Marie on that particular issue.

13 EXECUTIVE OFFICER PUNIA: Yeah. I think I will
14 discuss with Ginny and give her more background at what
15 happens at these meetings, and then we will advise, based
16 on Ginny's input, Board Member Rose Marie Burroughs.

17 PRESIDENT CARTER: I hope -- I mean, to the extent
18 that that group is project-focused, they get realigned and
19 talk more about fundamental systemic institutional changes
20 to the process that go beyond just the exceptions that
21 they are dealing with now. And then the process will come
22 to be fixed and be better and be lasting in the future.

23 So that's a suggestion.

24 Anything else on Board Member comments, task
25 leader reports?

1 Okay. We will move on to the report of the
2 executive officer.

3 EXECUTIVE OFFICER PUNIA: Jay Punia, Executive
4 Officer Report.

5 I want to commend a few people here and a couple
6 other people, too, for bringing our new staff in time.

7 Our previous chief engineer left on January 1st,
8 and by middle of February we have our new chief engineers.
9 I think our administrative staff, Lorraine, worked
10 diligently on this, scheduling the interviews, lining up
11 all the candidates. And I want to commend Lorraine's
12 efforts and the Board members' participation in the
13 interview panel.

14 I think their response was, "Tell us when and
15 where," and they will be there to conduct the interviews.
16 Board Member John Brown and Butch Hodgkins provided the
17 needed help, and we are glad to have Gary. And I think
18 it's a record time to bring a new employee to the state
19 service.

20 PRESIDENT CARTER: Thank you, Lorraine.

21 Thank you, John, and thanks, Butch.

22 EXECUTIVE OFFICER PUNIA: And as we discussed, our
23 reassessment process is moving forward. And, again, with
24 the help of President Ben Carter and Vice President Butch
25 Hodgkins, we are scheduling the next meeting and need to

1 have a couple more meetings before we can wrap up this
2 process.

3 Lower San Joaquin River Feasibility Study, we had
4 a meeting with the Department of Water Resources. As you
5 may recall, they had -- previously, we had sent the letter
6 of intent to the U.S. Army Corps of Engineers to be the
7 nonfederal sponsor on this feasibility study.

8 The next step was to send the letters to the local
9 interests to see who's interested in participating in the
10 feasibility study. They have received that information
11 back.

12 Most of the urban areas are willing to participate
13 in the study and the rural districts are not opting to
14 participate. The reason is, the rural areas don't have
15 the money. It's a cost share study. And urban areas have
16 the funding, so they are willing to participate.

17 Most of the districts, like 404, RD 17, close to
18 Stockton area, where it's already urbanized or there's a
19 potential of urbanization, those districts are expressing
20 a willingness to participate.

21 The next step is -- our meeting will be held with
22 the locals to start developing the scope of this
23 feasibility study.

24 We have received a letter from Concerned Citizens,
25 close to the Clarksburg area. They are expressing

1 concerns that there's a sugar mill -- old sugar mill that
2 a property owner is excavating, and that may have a
3 potential threat to the structural integrity of our levee.

4 We have discussed this subject with the Department
5 of Water Resources, and we have sent our -- the staff
6 person Dan Fua to inspect the site, and then we have sent
7 a letter to the property owner to stop the excavation.
8 They are excavating lines on that site. They should hire
9 a geotechnical engineer to perform a geotechnical
10 evaluation and show the report to us, and if we are
11 satisfied, we will allow them to continue the excavation.
12 But in the meantime, they shouldn't excavate until they
13 have satisfied us.

14 We had several meetings with the Department of
15 Water Resources' Budget Office to figure out how we can
16 pay the salaries to the Board members in the absence of
17 the budget for this fiscal year.

18 As you may recall, we weren't given any funding
19 for January through June for paying the salaries to the
20 Board members. The direction from the Department of
21 Finance is that we should absorb this cost in our
22 existing budget. So we have reached a meeting of the
23 minds of the Department of Water Resources, how we are
24 going to fund this additional cost. And now it's just a
25 matter of streamlining and figuring out the mechanics.

1 And I want to encourage the Board members, please
2 track your hours, because the way that the legislation is
3 written, that if you work 60 hours per month that you are
4 entitled to full salary. But if you work less than 60
5 hours, your salary will be reduced proportionately. So
6 please track your hours. And we will set up a more
7 standard system where we will provide you a spreadsheet,
8 and then you will provide that information to Lorraine,
9 and she will enter that time into the business system we
10 have, called the SAP software package.

11 MEMBER RIE: Jay?

12 EXECUTIVE OFFICER PUNIA: Yes.

13 MEMBER RIE: I think we all got paid for two
14 hours. So you know, what should we do with these checks
15 for the two hours?

16 EXECUTIVE OFFICER PUNIA: I think Lorraine may
17 have an update. I was not able to attend the meeting.
18 Lorraine and Geoff attended the meeting with the budget
19 office.

20 STAFF ASSISTANT PENDLEBURY: Lorraine Pendlebury.

21 We were told by DWR Accounting, while they try to
22 figure out the process, we are going to use -- to go ahead
23 and cash the checks. Okay? And they will take that out
24 of what you will be paid once we get this figured out.
25 They have -- you are already in their system as excluded

1 employees. And they need to figure out how to make that
2 transfer over to the Board salaries from the system they
3 have been using. Okay? So that was the instructions as
4 of this Wednesday -- cash the checks.

5 SECRETARY DOHERTY: That's exciting.

6 Will they go back and pick up January and
7 February?

8 STAFF ASSISTANT PENDLEBURY: Yes, as far as we
9 know, they will, minus whatever you were just paid in that
10 check.

11 MEMBER BROWN: Will they pick up December too?

12 STAFF ASSISTANT PENDLEBURY: No. Nice try, John.

13 MEMBER BROWN: It was worth a shot, wasn't it?

14 SECRETARY DOHERTY: I wasn't that optimistic.

15 PRESIDENT CARTER: Well, we got -- actually, what
16 I got was my per diem, which was under the old
17 regulations, a hundred dollars per day. So I got one day.

18 SECRETARY DOHERTY: I got one day. That's good.

19 STAFF ASSISTANT PENDLEBURY: That's what you all
20 should have gotten --

21 PRESIDENT CARTER: For January.

22 STAFF ASSISTANT PENDLEBURY: -- who attended the
23 January meeting, yes.

24 MEMBER RIE: So that was the two hours of time.

25 PRESIDENT CARTER: You're worth more than I am,

1 then.

2 SECRETARY DOHERTY: You got for two days?

3 MEMBER RIE: No.

4 EXECUTIVE OFFICER PUNIA: You want to update that
5 based upon the information we received from the Air
6 Resources Board, what type of salaries they can expect?

7 If it's premature, then you can pass, but if you
8 think it's worthwhile.

9 STAFF ASSISTANT PENDLEBURY: No, I can give you
10 some information from the research I've done with the Air
11 Resources Board.

12 Based on the 60 hours a month, you should be paid
13 something like \$3,300 or \$3,033 a month. What we're also
14 looking into, that the Air Resources Board members, the
15 way their system works is they also get benefits. So we
16 researched this and brought it to the attention of the DWR
17 folks. And that's a new wrinkle in this right now.

18 So there's several things that need to be worked
19 out. The way we figured it is, the \$36,000 a year,
20 maximum, for 60 hours a month, breaks down to \$3,000
21 something a month, breaks down to about \$50 and some cents
22 per hour.

23 So the way we envision it is if you only spend 40
24 hours on Board visits per month, you will be paid at the
25 hourly rate. I think that will be the easiest way to set

1 it up with DWR.

2 EXECUTIVE OFFICER PUNIA: So we'll keep you
3 apprised of where we are, and I think that we need to
4 continue to work with DWR to implement this process so
5 that the Board members can start getting the salary.

6 PRESIDENT CARTER: What if we work more than 60
7 hours?

8 STAFF ASSISTANT PENDLEBURY: You will have to work
9 less the next month.

10 SECRETARY DOHERTY: Hold a cup out for me, and I
11 will put a little in.

12 PRESIDENT CARTER: Thank you.

13 EXECUTIVE OFFICER PUNIA: And I wanted to attest
14 that it's a good deal for the taxpayers because we are
15 paying much more money to our consultant than what we will
16 be paying to you.

17 I think sometime back, I think it was Ben who
18 asked us to draw a flowchart of the permit process, so
19 that effort is underway. We are working on a flowchart
20 where we can show the applicant what the process is, what
21 are the different steps. And we will also include the
22 time frame in that. And we are going to put this on our
23 Web site so that the applicants see what the flow of
24 process is to get the permit. And it's underway, and
25 hopefully we have this where we can share to the Board

1 what the overall process is, to get the permit.

2 PRESIDENT CARTER: Who's doing that?

3 EXECUTIVE OFFICER PUNIA: Dan Fua is the person
4 who has drawn the flowchart. But then Geoff and Lorraine
5 will put it into a computer software program so that we
6 can modify it on an as-needed basis.

7 PRESIDENT CARTER: Great.

8 EXECUTIVE OFFICER PUNIA: I think we already
9 briefed you on the California League of Cities and
10 Counties meeting. Geoff and Lorraine represented Board
11 staff, and I think they gathered pretty valuable
12 information from that workshop.

13 And Deborah Smith, she was able to attend that
14 meeting too, workshop, too.

15 MEMBER RIE: Yes, on that, did you guys get any
16 interesting comments from the cities and counties as far
17 as now having this additional review by the state? I'm
18 just curious if there were any interesting comments or
19 questions.

20 STAFF ASSISTANT PENDLEBURY: I am trying to
21 remember the questions.

22 The reason why the meeting was called was to make
23 sure that every city and county knew that with this new
24 legislation, there would be things for them to start
25 working on right now. Some of the smaller areas, I think

1 one area described themselves as five farmers and a pickup
2 truck, you know, how do we -- we don't have the money to
3 do this.

4 One of the speakers there who was very good, from
5 West Sacramento, said, "This is what we did. We got
6 several areas together. We formed a joint powers." There
7 were a lot of suggestions there for the areas, how to go
8 about getting things done, especially the ones that didn't
9 have the money. But the speaker said, "This is going to
10 happen. So you need to start preparing now."

11 So I think that set the tone. And actually, Dave
12 Gutierrez gave the FloodSAFE perspective there to let them
13 know that after Katrina, we are going to do this, we have
14 the money to do it now, and this is part of it. This
15 legislation is part of it, and your general plans are.

16 Teri, does that answer your question?

17 MEMBER RIE: Yeah. I think that's some really
18 good input.

19 Do we know if there's any money available to the
20 small cities, that perhaps don't have the funding, to help
21 them comply with the new requirements?

22 ACTING MEMBER TREABASS: I think what some will
23 do, there's a potential as part of their local plans of
24 flood protection, to sort of dovetail off of that process
25 and potentially seek funds to be able to do that. A lot

1 of them will be hopefully joining up as regions and
2 looking at regional issues and regional problems.

3 Some -- I mean, remember that the legislation
4 applies actually statewide, but there's only a portion of
5 it that you guys have to deal with, and with the Central
6 Valley cities and counties.

7 So many -- again, there is a provision that we put
8 in the bill is that you already have adopted FEMA
9 ordinance that substantially complies with the section,
10 then you don't have to redo, you know, that portion of
11 you -- you don't have to essentially redo your safety.
12 You can just include that as part of your safety element.

13 And many of the counties will fall under that
14 umbrella. There will be some that are smaller, that have
15 not, you know, in effect, ever looked at this. They will
16 have a statement in there. When we reviewed all the
17 general plans about five years ago, there would be -- we
18 found some counties that just said, "There are flooding
19 issues in these areas," and that's it. And they had no
20 further detail, not what types of flooding they were,
21 not -- I mean, it was very vague. And so those counties
22 will have to do a little bit more work.

23 And I think that's -- I mean, the purpose of this
24 summit was to -- for the umbrella organizations to start
25 helping them put together how much work they are going to

1 have to do and what they are going to have to do from here
2 on out.

3 MEMBER RIE: That's great. Good job.

4 EXECUTIVE OFFICER PUNIA: A couple other items to
5 share with you. As we mentioned -- we are aware that
6 TRLIA Segment 2 setback draft permit and TRLIA -- we heard
7 that TRLIA has some concerns about some of the conditions,
8 and we will be meeting with them to discuss and resolve
9 those concerns.

10 Madera County has requested us -- to request the
11 U.S. Army Corps of Engineers on their behalf that they
12 cannot address all the levee deficiencies addressed by the
13 Corps, by March, by the end of March 2008. They are
14 asking for a year extension.

15 The main reason identified by them is that they
16 don't have the money to do the channel clearance. They
17 cannot remove the vegetation. And they are asking at
18 least a million dollars to remove all those vegetation and
19 clear the channels. And they have explained to us that
20 how they will be able to acquire the funding through a
21 grant program, and based upon their justification, we have
22 requested the U.S. Army Corps of Engineers on their behalf
23 to grant them an extension. But the ultimate decision
24 will be up to the U.S. Army Corps of Engineers whether
25 they get an extension or not.

1 SECRETARY DOHERTY: Now, is that the Westlands
2 Water District that's telling you that, or is that the
3 whole county?

4 EXECUTIVE OFFICER PUNIA: The request from Madera
5 County itself.

6 SECRETARY DOHERTY: Oh.

7 EXECUTIVE OFFICER PUNIA: I think Dan worked on
8 this item and have the details of which creeks and sloughs
9 that are not in compliance.

10 SECRETARY DOHERTY: All right.

11 EXECUTIVE OFFICER PUNIA: And our budget change
12 proposing, the finance letter for fiscal year 08/09 has
13 been submitted. It's going through its regular review and
14 approval process. I'm hoping that it will reach to the
15 Department of Finance soon and we hear some positive
16 result, that they grant us the positions we are asking.

17 Staff worked, as requested, in the River Island
18 settlement, that we were supposed to issue them the permit
19 within five days. And Steve Dawson and Dan Fua worked on
20 that permit, and that permit was issued as per the
21 condition of the settlement agreement.

22 I was called for jury duty and I was ready to
23 fulfill my civic duty, but they rejected me and this was
24 one of those rejections you don't want.

25 PRESIDENT CARTER: Their loss is our gain.

1 EXECUTIVE OFFICER PUNIA: I think that concludes
2 my report unless you have any questions.

3 PRESIDENT CARTER: Are there any questions for
4 Mr. Punia?

5 Mr. Hodgkins?

6 VICE PRESIDENT HODGKINS: This is not a question,
7 but I think it's appropriate for me to let the Board know
8 that I have asked for funding to attend a levee safety
9 summit, which is in St. Louis the last week of February.

10 And I will read you the objectives -- update the
11 national audience on flood risk management policies
12 related to levees that are under review and consideration
13 by federal agencies in state, regional, and local
14 government partners; provide information and lessons
15 learned on flood risk management, particularly in regard
16 to U.S. Army Corps of Engineers and the Federal Emergency
17 Management Agency coordination on the inventory and
18 condition of the levees; solicit broad feedback on
19 policies including levee certification, decertification,
20 levee operation, and maintenance, and residual flood risk,
21 and so on and so forth.

22 So this is a meeting that will involve both the
23 Federal Corps of Engineers and the FEMA, letting state,
24 local, and other partners know some of the things they are
25 thinking about doing as well as giving an opportunity for

1 feedback.

2 I intend, if it's okay, to present a summary of
3 what I heard at perhaps the next Board meeting.

4 Vegetation is on the agenda as well.

5 PRESIDENT CARTER: Is an expenditure like this
6 something that the board needs to approve? It seems to me
7 that it is, but I could be wrong.

8 SECRETARY DOHERTY: Would you be giving a
9 presentation?

10 VICE PRESIDENT HODGKINS: No.

11 MEMBER RIE: This subject came up a couple of
12 years back.

13 SECRETARY DOHERTY: Somebody did it without
14 permission.

15 MEMBER RIE: I don't think permission was
16 required, but the subject came up because DWR was
17 presenting -- they had several presenters at a conference
18 in San Diego, and they invited all of the Board members to
19 attend. So I asked the question if, you know, do we have
20 any money in the budget for this sort of thing? And I
21 talked to Rod Mayer about it, and he said, we do have a
22 line in the budget for Board members to attend
23 conferences.

24 SECRETARY DOHERTY: How nice.

25 EXECUTIVE OFFICER PUNIA: Yeah. We have limited

1 funding for out-of-state travel trips. We have to get the
2 approvals.

3 And I think looking at the budget, it's tight, but
4 I think we can accommodate Board Member Butch Hodgkins's
5 request. And Rod Mayer is going from DWR's side. They
6 invited me. And but I think taking the workload, it may
7 be good to have one representative from the Board to
8 attend and participate in this conference.

9 SECRETARY DOHERTY: Do you need a motion?

10 EXECUTIVE OFFICER PUNIA: I don't think so.

11 PRESIDENT CARTER: It's not agendized as an action
12 item, of course.

13 But are there any objections from the Board to
14 sending Butch out there? I think it would be a good
15 thing.

16 MEMBER RIE: I think it's a good idea especially
17 since those national policies affect us in the state of
18 California. We need representation.

19 PRESIDENT CARTER: Sure. Okay.

20 VICE PRESIDENT HODGKINS: Thank you.

21 SECRETARY DOHERTY: Have a good trip.

22 PRESIDENT CARTER: Godspeed.

23 EXECUTIVE OFFICER PUNIA: It's not a done deal
24 yet. The state process to get approval for out-of-state
25 travel is a major undertaking, and we will do our best to

1 get the approvals.

2 PRESIDENT CARTER: Okay. I did have one question,
3 Jay, on the biweekly update for January 26th to
4 February 8th, under Eric Butler's paragraph there, where,
5 "The spring finance letter will also request transferring
6 the Board's current general fund baseline budget from DWR
7 Program 30 to recently established Board's Program 35."

8 Does that mean that we now have a line item in the
9 budget?

10 EXECUTIVE OFFICER PUNIA: I think that's the
11 direction we are moving, that we will have a separate line
12 item where our funding will be shown separate from the
13 Department of Water Resources.

14 PRESIDENT CARTER: That's a good step. Moving in
15 the right direction.

16 MEMBER BROWN: Congratulations.

17 PRESIDENT CARTER: Okay. That's all I had.

18 Any other questions for Mr. Punia?

19 EXECUTIVE OFFICER PUNIA: Thank you.

20 PRESIDENT CARTER: Hearing none, then what we will
21 do is we will adjourn for lunch. It's 12:10 now, 12:12.

22 We'll be back here at -- can we do it at 1:00
23 o'clock? 45 minutes?

24 Let's plan on trying to get back here at
25 1:00 o'clock and we'll get -- we'll get pictures taken.

1 Thanks.

2 (Thereupon a break was taken in
3 proceedings.)

4 PRESIDENT CARTER: Good afternoon, ladies and
5 gentlemen.

6 If I could ask you to please take your seats,
7 we'll go ahead and continue with the remainder of our
8 meeting of the Central Valley Flood Protection Board.

9 We are currently on Item 9.B. This is West
10 Sacramento Area Flood Control Agency's proposed plan for
11 improvements to the levees that protect the city of West
12 Sacramento.

13 This is an informational briefing. And is
14 Mr. Reinhardt here or is someone initiating pitch hitting
15 for him?

16 Good afternoon, welcome.

17 MR. RUZICH: President Carter, Members of the
18 Board. I appreciate you taking the time to kind of give
19 you an overview of our project.

20 I'm Ken Ruzich. I am the manager of Reclamation
21 District 900, and also -- which is North Sacramento, and
22 also of our flood control agency.

23 We're going to introduce you to our levee
24 improvement program. The West Sacramento Area Flood
25 Control Agency is a joint powers authority that consists

1 of the City of West Sacramento, Reclamation District 900,
2 and Reclamation District 537.

3 We have contracted with the City of West
4 Sacramento to provide some project leadership for this
5 effort. I would like to introduce a few of those players.
6 Will Chow is the city's flood protection manager that's
7 kind of leading the effort; Bill Panos is the city's
8 construction manager and is dealing with a lot of
9 interagency relationships; Eric Nagy works for HDR; Derek
10 Larson, also a consultant; and Scott Shapiro is dealing
11 with some of the management issues and some of the legal
12 issues; and Ric Reinhardt, who isn't here, is helping us
13 as well.

14 So we've got a pretty good team to put together --
15 to work our way through these issues. And other
16 consultants that we are using are Bender Rosenthal, David
17 Ford, like I said, HDR, Jones and Stokes, MBK, and
18 Kleinfelder for some of the geotechnical stuff.

19 Give you a quick overview of our levee system and
20 where we're at. This is -- if you are familiar with West
21 Sacramento, this is the Sacramento Bypass up at the top
22 end, and this is District 530 -- Reclamation District 537
23 maintains this blue levee down to this point, and also a
24 little bit of the river levee. The Sacramento Bypass
25 levee is maintained and owned by the Department of Water

1 Resources, by the State.

2 This area on the top part here is maintenance
3 area 4, and it's also maintained by the State. And then
4 from this point down, all the way down the river, around
5 the cross levee and back up the deep water channel, back
6 up to Interstate 80, and back up -- our starting point is
7 all Reclamation District 900. You will notice there's a
8 fairly obvious hole in our levee on this side, and that's
9 where the deep water channel, when it was constructed,
10 penetrated through our project levee.

11 And so these levees, the interior levees, provide
12 protection as well as the outside levee of the deep water
13 channel for 22 miles down the deep water channel -- also
14 will provide protection for the city of West Sacramento,
15 and all those levees are being evaluated as part of our
16 project.

17 Give you a little history. After 1986, when we
18 had the high flows, we had experienced several areas of
19 problem areas in West Sacramento, and the first project
20 that was authorized as the federal project was the Sac
21 Urban Levee Reconstruction project. It was some on our
22 side of the river and some on the Sacramento side of the
23 river. And it was this purple line that runs from the
24 deep water channel all the way down to our city limits at
25 the south end. And we had a lot of just land side

1 structural failures. These are real sandy levees, and
2 they started to develop slips, and there were in that
3 area, from one end to the other, there were something like
4 28 different slips that we had to deal with.

5 So we had a project, and within a few years, we
6 actually were able to go to construction, which is
7 probably a world's record for a federal project, and build
8 a stability berm on the inside of this levee and
9 strengthen that levee.

10 After that, we went through a feasibility and the
11 normal Corps process to get a project to deal with the
12 rest of the problems. There was a local cost share that
13 needed to be funded. Reclamation District 900 had funded
14 the local portion of the Sac Urban Project. This was a
15 larger project that was going to require more funding.

16 And so we actually created a joint powers
17 authority and had a 218 election and passed an assessment
18 to provide the local share. And then we got authorized --
19 WRDA 92, we got authorized. Originally, we were the Sac
20 Metro Project, which was actually supposed to be a larger
21 project that included part of Sacramento, and then it
22 became obvious in our area, it was efficient to separate
23 our area. And so at that point, we became a separate
24 project, and it was called the West Sacramento Project.

25 And the evaluations there, we not only identified

1 underseepage problems, we had structural problems. We had
2 freeboard problems. We had a lot of different issues that
3 we had to deal with. So from '98 through 2002, we
4 constructed that project, and there was a variety of fixes
5 back in this levee right here, which is behind where the
6 CHP academy is. There was some serious underseepage
7 problems, and so we went on the water side -- actually,
8 the water side of the levee along the toe, and then put a
9 slurry wall 70 feet as one of the really first deep slurry
10 walls in the area, and we went until we found a good solid
11 layer to tie into. So that was a fix for there. And that
12 worked very well.

13 And then in other areas, we just increased the
14 size of the levee. The project primarily -- the project
15 primarily went from the river down to the bypass levees
16 into the water channel, so it was these levees here that
17 were improved. And these levees were just made larger
18 with stability berms and we put interior drains in them
19 and did a variety of things. And it's been a really
20 successful project.

21 MEMBER BROWN: Did that 70 feet take you down to
22 some pretty solid material?

23 MR. RUZICH: Yes, we're talking about a solid clay
24 layer at 70 feet. So there were some serious boils in
25 that area, and of all the high water we've had since then,

1 it's just all under the rocks. So this will really be an
2 excellent fix.

3 And because it was on the water side, then we
4 built another berm up over the top to kind of seal it.
5 The levee itself, it was a pretty good levee. It was the
6 foundation.

7 MEMBER BROWN: Do you monitor with piezometers by
8 chance?

9 MR. RUZICH: No, we do not. We don't have any
10 piezometers in there.

11 The next item on the agenda -- just for your
12 information, the next item on the agenda, in this area
13 right here where I've got the pointer, in adjacent years
14 of high water, we've actually developed some slips along
15 this area. And so the Corps has gone back in,
16 reevaluating that area, and looking to improve the design
17 a little bit to make it perform better during high water.
18 And so that's what the next item on the agenda is, is an
19 amendment to the cost sharing agreement on the West
20 Sacramento project to provide the funds to do that
21 evaluation and that fix.

22 So anyhow, we've finished that project. It was
23 designed originally to -- it was designed to provide a
24 400-year level of protection. That was the most cost
25 effective level when they did their evaluation. But that

1 included -- I think that included Auburn Dam. I'm not
2 sure.

3 But anyhow, when it was finally constructed, it
4 was supposed to provide greater than a 200-year level of
5 protection. But in the meantime, as we constructed the
6 project, the standards, the Corps standards, were also
7 changing. So a lot of times, we've got to the point where
8 we finished the project, we're almost starting it from
9 scratch again with reevaluating the system in light of
10 those new standards. And that -- that's kind of where
11 we're at now with our new project.

12 It became really obvious, in order to perform
13 those investigations, that we were going to need an awful
14 lot more of them to participate in fixes, that we were
15 going to need an awful lot more of local match money. So
16 the city adopted an in lieu fee on new development, which
17 will generate some new money and then our joint powers
18 authority, our agency, had a 218 election, and we
19 significantly increased our local assessment so we're
20 generating money to provide our local match.

21 And that's kind of the end of -- kind of the
22 history part of it. And so I'm going to turn it over to
23 Will Chow, our flood protection manager, and he's going to
24 run what we're doing with our evaluations.

25 MR. CHOW: Thank you, Ken. Good afternoon. It's

1 a pleasure to be here. Thank you for affording us this
2 opportunity.

3 I would like to talk a little about this next
4 slide that's put on here. And I think the message we
5 wanted to express was that we tried to look at many of the
6 problems, potential problems, and you can see in the
7 legend that it's pretty comprehensive. The red lines
8 indicate seepage issues; the green, slope stability; and
9 yellow, erosion; and freeboard in purple.

10 So I think these are the kinds of challenges that
11 we face. And we spent a lot of money and a long time
12 trying to make those determinations. We're right in the
13 process of reviewing drafts for that problem
14 identification report.

15 I did want to emphasize that this is a state and
16 local effort. The north part of town, on your left, most
17 of the data, the geotechnical data, was gathered by URS,
18 which has been providing work to the state. And instead
19 of duplicating their efforts, we're relying on their
20 findings. And most of the geotechnical work and related
21 engineering work on the south, to your right, was done by
22 Kleinfelder as a sub to HDR.

23 And so the combination of the efforts that the
24 city funded as well as what the state funded, I think, is
25 a good picture. We're trying to cooperate. Both staffs

1 are sharing the data and also trying to peer review all of
2 our findings with both the Corps and the state Department
3 of Water Resources. So we think this is a good step in
4 trying to collaborate on this effort, which will require a
5 partnership.

6 The next slide gives you at least an approximation
7 of the problem. You can see that in pink are the -- the
8 areas that are deepest and they are the subject of great
9 flooding. And the yellow area is the high ground where
10 there is very little flooding. And that high ground is
11 what we call -- encompasses the triangle. The triangle in
12 yellow, and between the two breaches there, the freeway.
13 And that -- your staff has been talking to our
14 redevelopment people in terms of the future of high ground
15 in this triangle area.

16 Most of the city's subject to, as you can see,
17 moderate flooding in the event of a hundred-year flood.
18 And again, these are approximations, not for engineering
19 purposes, but for evacuation and parcel assessment
20 calculations.

21 MEMBER BROWN: On your pink slide -- on your pink
22 slide -- back up. Is that Highway 5 that's going
23 catty-corner that's going through the -- is that 5? It's
24 in the bottom, in pink. That's the highway; right?

25 MR. CHOW: That's Jefferson Boulevard.

1 MEMBER BROWN: That's Jefferson?

2 MR. CHOW: Yes. Highway 5 is on the Sacramento
3 side, right side, off the picture, off the map. That's
4 north-south.

5 PRESIDENT CARTER: I-5 would be on the east side
6 of the Sacramento, going to the right of the pink block
7 and the blue.

8 MR. CHOW: This is 80. And this is 80 regular,
9 Business 80, and then the I-5 would be on this slide.
10 Does that answer your question?

11 MEMBER BROWN: Yes. It's just kind of hard to
12 see.

13 MR. CHOW: Yeah. Sorry.

14 The next slide indicates our overall plan. And
15 the first four items in the short-term list refer to
16 sites. And so what I will do after I describe them is to
17 go back to the map and try to help you identify where
18 those are, if you are having trouble.

19 The first short-term action that we had in mind
20 is, of course, the critical repairs, the PL 84-99, and
21 repairs that you can see that on your paper map as a star.
22 I will go back to these.

23 The second one is the I Street bridge site, I
24 Street south bridge, which will be the subject of next
25 month's presentation.

1 The fourth project, or sets of projects, are the
2 Sac Bank erosion repair projects that are scheduled for
3 construction this summer, courtesy of the Corps and the
4 Department of Water Resources.

5 And the fourth project is what Ken was discussing
6 on the Yolo Bypass, the two slip repairs that we hope will
7 be in construction in the summer of '09. So let me back
8 up a little bit and point them out to you.

9 The PL 84-99 is this red star at Davis Road on the
10 Sacramento River.

11 The Sac Bank protection sites are these two blue
12 dots here along the Sacramento River. And those are the
13 ones that are scheduled for construction this summer.

14 The early implementation site, which we call the I
15 Street bridge site, is right here -- the green square
16 south of the confluence of the American and the
17 Sacramento, just south of the I Street bridge, and to
18 include some sections just a little bit north of the I
19 street bridge as well.

20 And then the two slips that Ken was talking about
21 here on the Yolo Bypass, surrounding 80.

22 Was that helpful?

23 EXECUTIVE OFFICER PUNIA: Maybe I can -- I want to
24 make a comment to clarify the Board.

25 Board will be local sponsors on some complements

1 of this project and some complements we will be processing
2 their application as a regulatory agency or approving
3 their permit so that they can modify the federal flood
4 control project. And I think as we go along, it will
5 clarify which component we are the nonfederal sponsor and
6 which component we are facilitating with the locals to
7 alter or modify the federal flood control project.

8 MR. CHOW: Well, thank you, Jay.

9 The last two items in our short-term strategy are
10 programmatic efforts. The first is the EIS/EIR. We are
11 certainly fully engaged in the EIR and just about to begin
12 a joint EIR/EIS with the Corps. So that's what we had in
13 mind as we reach the programmatic effort. And then of
14 course trying to execute a cost sharing agreement for the
15 GRR is the last item in our short-term list.

16 In the middle term, we need to continue to work
17 with the DWR and try to move ahead with some improvements.
18 And we're hopeful that we can find the money to do that.

19 The second medium term action is to continue with
20 Sac Bank erosion repair projects, two of which will begin
21 this summer, hopefully maybe next summer. Maybe one or
22 two more.

23 And then finally, we complete the GRR, which we've
24 done a lot of work on already and hopefully will go faster
25 than usual, because of our programmatic work that's

1 already -- already been done and will continue in process.

2 And then finally in the long run we would like the
3 Corps to take over, and we would like them to play an
4 important and key role in this process. We would just
5 like to move ahead as soon as we can because we know the
6 Corps process takes a long time.

7 So that's -- those are our goals. And we hope
8 that they are realistic, perhaps a little ambitious, but
9 we thought it's better to err on the ambitious side.

10 PRESIDENT CARTER: Mr. Chow, who are you
11 partnering with, within DWR?

12 MR. CHOW: We haven't figured -- in terms of the
13 funding, we haven't figured that out yet. We've been
14 discussing those different options.

15 PRESIDENT CARTER: But in terms of deciding what
16 improvements and in completing the improvements in advance
17 of the Corps, who are you working with?

18 MR. CHOW: Well, I think one possibility is the
19 early implementation project -- George Qualley and his
20 people. But you know, there may be others, other
21 opportunities, maybe getting some of the other programs
22 involved as well. But no agreements have been made yet.
23 And we still need to do a lot of work.

24 The next slide deals with the funding. We have
25 tried to raise our share of what will be required based on

1 historic cost sharing. No one knows what future cost
2 sharing is like, but we thought we would just assume that
3 the future is similar to the past. And so our assessment
4 is designed to raise \$42 million, with the state picking
5 up its historic share and the Corps picking up its
6 historic share.

7 So 400 is a lot of money for a small community,
8 and therefore we really need the help and are trying to
9 work with the Corps and DWR to make this happen and we
10 certainly appreciate your help in this process.

11 Any questions about this?

12 Yes?

13 VICE PRESIDENT HODGKINS: The 42 million local, is
14 that raised exclusively from the assessment, or is it 50
15 percent assessment, 50 percent --

16 MR. CHOW: That's a good question. The 42 is what
17 we think we can bond from strictly the assessment, annual
18 assessment. We also thought that we could raise,
19 possibly, up to the same amount through an in lieu fee, a
20 fee on new development. In lieu of doing the improvements
21 themselves, we would give developers the chance to pay or
22 contribute to the cost of the local share. And so we
23 believed, however, that in planning, we should assume only
24 the assessment because the in lieu fee is not bondable.

25 VICE PRESIDENT HODGKINS: Okay. Thank you.

1 MR. CHOW: So we err on the cautious side. So
2 whatever comes in from development is gravy.

3 I'm going to give you a preview of what's going on
4 programmatically. Programmatically, this means the whole
5 program, all of the levees surrounding the city. And of
6 course, we're doing -- the problem identification reports
7 should be ready sometime later this spring, an
8 alternatives analysis to look at the problem, the
9 alternative solutions, and what they might cost, and come
10 up with some preferred alternative later this summer.

11 And then finally the risk analysis, which would be
12 necessary for doing a benefit-cost analysis to justify
13 this as a federal project and also justify it for state
14 funding, capital funding. We think that that will be
15 ready sometime in the fall.

16 So all three of these -- of course, it's a big
17 bite to swallow and very expensive. But we went ahead in
18 the interest of being proactive and trying to move this
19 project forward as much as possible.

20 The programmatic work will require an action by
21 you, and we will, later, come -- later next month --
22 request that you approve us -- our working together with
23 the Corps as far as doing a joint programmatic EIS/EIR for
24 the entire program.

25 So we hope that you can support that.

1 Now, this slide focuses on the site, the site
2 which would be the subject of next month's presentation.
3 And this, as you may recall, is on the I Street bridge on
4 the Sacramento River. It's fairly short, 600 feet, and
5 what we're proposing is a slurry wall. We know that
6 there's some seepage deficiencies. I think this slide,
7 which showed the preliminary result,s, indicated that many
8 of these have seepage deficiencies as do levees all over
9 the Central Valley. And so this is something that we
10 think should be done soon, hopefully, this summer. And we
11 think that it would not affect the ability of the Board to
12 move forward on future systemwide improvements.

13 We would like to note that this project is
14 hypothetical -- not only addresses flood protection issues
15 but also provides recreation opportunities. The city has
16 a state grant from the resources agency to design and
17 construct the riverwalk promenade. So we hope that that
18 promenade could be constructed in conjunction or in
19 relationship to the levee improvements and not have to rip
20 up the land twice. We hope that it can be done in a
21 coordinated manner, and we think that's good policy.

22 I would like to now shift to the next slide, which
23 looks at future Board items in relationship to this site.
24 And the future Board items would be to consider a letter
25 and approve that letter, the 408 alteration request. And

1 hopefully that will come next month and we have submitted,
2 you know, the forwarding documents for that purpose.

3 The second action which will come before you is a
4 letter that hopefully you will approve to request 104
5 credits for us from the Corps. So that will also come
6 next month along with the 408 as well as, as I mentioned
7 before, the joint EIS/EIR for the programmatic aspects of
8 our program.

9 And then finally, a little later, sometime this
10 summer, probably, we'll be in approval with your support
11 of the encroachment permit. We anticipate that it would
12 be contingent upon the 408 approval which would be under
13 review by the Corps at that time. So these are the future
14 Board actions. We've already done the initial study and
15 the mitigated neg dec for this site.

16 PRESIDENT CARTER: Mr. Chow, do you and your folks
17 at West Sacramento Area Flood Control Agency understand
18 that in order to get these things on the agenda, you need
19 to have your materials in well in advance?

20 We went through an unfortunate situation, that we
21 do not want to repeat, last December, and timely submittal
22 of information is critical for the Board to make an
23 intelligent decision on these projects.

24 MR. CHOW: Thank you. I believe that all of our
25 materials have been submitted as of today.

1 PRESIDENT CARTER: Thank you.

2 SECRETARY DOHERTY: Once again -- you did say,
3 but where is the 600 feet of slurry wall?

4 MR. CHOW: Let me pull the map.

5 SECRETARY DOHERTY: Okay. Was it in the yellow
6 area?

7 MR. CHOW: The green square, right here. This is
8 where the slurry wall is. It runs roughly from the
9 I Street bridge to the CalSTRS building that's under
10 construction; you can see it from Sacramento. It's a
11 beautiful building. And the railroad runs along also
12 along the I Street bridge. So does that help?

13 SECRETARY DOHERTY: Um-hmm. Yeah. Thanks.

14 MR. CHOW: More questions? Yes?

15 VICE PRESIDENT HODGKINS: What is, in your best
16 estimate, your current level of flood protection in West
17 Sacramento?

18 MR. CHOW: Our levees are as good as they have
19 ever been. I'm not aware that we have had a serious
20 flooding problem in the past, in recent past. The levees,
21 I think, are -- and Ken can correct me if he has something
22 to add, but I think our levees are roughly as good or
23 similar in condition to most of the levees in Sacramento.

24 VICE PRESIDENT HODGKINS: So less than a hundred
25 year?

1 MR. CHOW: I think, in most sections, it would
2 be -- it's probably less than a hundred year. But some
3 sections, certainly much better.

4 VICE PRESIDENT HODGKINS: Okay. The slurry wall
5 that you're going to come for, I want to be sure I
6 understand. You, in effect, are trying to do the slurry
7 wall now because it fits together with a recreational
8 project that you have a grant for. And if you don't do
9 them both, you are going to end up tearing one out to do
10 the other?

11 MR. CHOW: Yes. We also -- the grant also expires
12 soon, and if we don't do it, then we will lose the grant.

13 VICE PRESIDENT HODGKINS: Okay. But it isn't
14 necessarily the most important public safety project in
15 West Sacramento?

16 MR. CHOW: If you look at it strictly on the basis
17 of safety, it would not be. However, we think it's
18 probably one of the few that we can -- and may be the only
19 one that we can get rolling. And we know that if we have
20 to go back to the voters to ask for more money sometime in
21 the future, we're going to have to show progress.

22 And so we think that progress in the form of
23 construction, even if it's modest, will be very important
24 to us in terms of establishing credibility with the folks
25 whose properties we've assessed. And I think they would

1 feel a lot better about that as well as the fact that
2 we -- you know, we use public money wisely and not try to
3 tear up the levee twice.

4 VICE PRESIDENT HODGKINS: I think that's a very --
5 both of those are very important things to do. I
6 understand that.

7 I do think from my perspective, sitting up here,
8 it's important for you to understand that the Board's
9 focus here is on public safety, and while you have shown
10 that you are taking a good look at understanding what your
11 problems are, you are a long ways away from being able to
12 outline a program and dates and actions that are actually
13 going to correct this. So that at least in my mind will
14 always be in the back of it, wanting to know where West
15 Sac is. I know you can't do this between now and March,
16 but it's important.

17 The last question I have is, along the deep water
18 ship channel, for the levee that is on the west side of
19 the deep water ship channel, you have shown defects on --
20 are you intending to make that part of your flood control?
21 I'm trying to understand along the west side of -- I'm
22 sorry. Along the west side of north Sac, on the east side
23 of the deep water channel, you have a project levee. The
24 levee on the west side of the deep water ship channel is a
25 deep water ship channel levee. Either you are proposing

1 to go modify -- I'm trying to understand, is that going to
2 become part of your flood control system? And is it going
3 to become something that eventually will want to be part
4 of the State's flood control project?

5 MR. CHOW: That's a very good question. We've
6 been trying to grapple with that question for a long time.
7 Again, we thought we would err on the conservative side.
8 We assumed it would be part of our system, although the
9 Corps built it and the Corps maintains it. We think
10 that -- and the Corps will eventually take over our
11 program in the long run.

12 So we think that, you know, that decision will
13 probably be made in the future. However, it's more
14 prudent to assume that that is going -- that some fixes
15 are going to be required and do study that as well as
16 study everything else at the same time.

17 And so at least figure out how much it's going to
18 cost if we go that direction. So it does have some
19 issues. We know that, you know, a lot of in-driven waves
20 come over that levee. And so there may be some levee
21 raises that might be considered. You know, there's one
22 section that's fairly narrow and deserves some immediate
23 treatment before the rest of it. And so those are the
24 kinds of issues. They're not -- relatively speaking, it's
25 in good shape compared to the rest of our levees.

1 VICE PRESIDENT HODGKINS: I agree with that. And
2 again, so you know what I'm thinking, sitting up here, as
3 we -- DWR has a new State Plan of Flood Control, one of
4 the options that I think that we will want to look at is
5 increasing the capacity of the Sacramento Bypass and the
6 Yolo Bypass by perhaps widening the Fremont Weir. If they
7 do that, it would be logical to allow a portion of the
8 increased flow to flow down the deep water ship channel.

9 So I think it's -- I just want you to know from my
10 standpoint, I will be constantly wanting to preserve that
11 as an option until such time as we have a new State Plan
12 of Flood Control and we know what the plans are to improve
13 flood protection along the Sacramento River system and
14 whether that's part of it. So just be aware.

15 MR. CHOW: Well, if there are no further
16 questions, that concludes my presentation.

17 MEMBER RIE: I have a question.

18 In one of your slides, it says, "I Street Initial
19 Study, Mitigated Neg Deck, December 2007."

20 MR. CHOW: Yes.

21 MEMBER RIE: Was that approved in 2007?

22 MR. CHOW: We went -- we filed a notice of
23 determination.

24 MEMBER RIE: Okay. Jay, did our Board -- do we
25 need to take any action on that?

1 EXECUTIVE OFFICER PUNIA: I think we -- they are
2 asking in March to get the 408 letter approved. So we are
3 discussing that, what level of environmental compliance is
4 appropriate. So I think we will be discussing with Ginny
5 on this subject.

6 MEMBER RIE: So is your environmental document
7 already approved by your agency?

8 MR. CHOW: Yes, as the lead agency. It's
9 completed.

10 MEMBER RIE: Okay. I'm not exactly sure what's in
11 your current permit application. But I see you are asking
12 for 408 approval. Have you had discussions with the Corps
13 and what kind of environmental documentation would be
14 acceptable to the Corps?

15 MR. CHOW: The Corps is working on an
16 environmental assessment as part of the NEPA process.

17 MEMBER RIE: So they are not going to come back
18 and say they want an EIS?

19 MR. CHOW: That's my understanding.

20 MEMBER RIE: Okay. You've already had that
21 discussion?

22 MR. CHOW: Yes. And I believe -- I think Dan was
23 a part of that discussion. Dan Fua.

24 EXECUTIVE OFFICER PUNIA: Yeah. There was
25 meetings among the Central Valley Flood Protection Board

1 and the applicant and the Corps. So they have been
2 apprised.

3 MEMBER RIE: Just thinking ahead to some of the
4 challenges we've had in the last several months, with
5 regard to environmental documentation and the
6 Environmental Review Committee, you know, March and May
7 and June are going to be here sooner than we think. So do
8 we have the environmental committee's review on this CEQA
9 documentation?

10 That's a question of staff, our staff.

11 MR. CHOW: Let me make a little correction. Scott
12 reminded me.

13 The Corps has not decided that they are going to
14 do an EA. That's the way they are leaning, but they need
15 to make a decision as to whether it's going to be an EA or
16 an EIS, a final decision on that. And they could decide
17 that an EIS would be required. We don't think that's
18 going to be the case, but they could go that way.

19 So I stand corrected. Excuse me.

20 MEMBER RIE: Okay. Thank you.

21 So a question to our staff, has the environmental
22 committee met, or if they haven't, is that planned? Do we
23 anticipate any issues with getting their recommendations?

24 EXECUTIVE OFFICER PUNIA: The way we've been
25 handling these is that we don't need the ERC endorsement

1 for the 408 letter, but when we are ready to issue the
2 permit, then definitely, we need the ERC committee's
3 endorsement. So we will be scheduling working with Mark
4 and Chris Huitt so he schedules this project for the ERC
5 committee.

6 MEMBER RIE: Okay. And again, the only reason I
7 bring it up is, we've had challenges in the last several
8 months with not enough staff to review all the pending
9 applications.

10 So we know that that's a step that needs to be
11 taken. So seems like we ought to be planning for it now
12 instead of waiting for it until the permit is brought
13 before the Board.

14 EXECUTIVE OFFICER PUNIA: We will be working with
15 Mark and his staff so we schedule this. Point well-taken.

16 PRESIDENT CARTER: Any other questions for
17 Mr. Chow or Mr. Ruzich?

18 We thank you very, very much for coming and giving
19 us a heads-up. This helps with the process as we move
20 forward. So we look forward to more details next month
21 and in the future.

22 MR. CHOW: Thank you.

23 PRESIDENT CARTER: Thank you. Ladies and
24 gentlemen, we are on to the project or study agreements,
25 West Sacramento project. Mr. Lee. Consider approval of

1 the estimated schedule change and cost increases for the
2 West Sacramento project by signing off on the U.S. Army
3 Corps of Engineers schedule and cost change request.

4 Mr. Lee, good afternoon.

5 MR. LEE: Good afternoon, Members of the Board and
6 President Carter. My name is Roger Lee. I am a project
7 engineer for DWR and I'm acting as Board staff for the
8 project.

9 Lorraine is passing out my presentation. Along
10 with the documents that she's passing out are two copies
11 of a revised resolution. The first copy is a red line
12 version. The second copy is a clean copy. I've made a
13 correction to the name of the -- of our local sponsor. In
14 the original agreements, they were named as West
15 Sacramento Joint Powers Authority. And just for
16 consistency, I kept that name in there instead of, I
17 think, what they are mostly known now, is the West
18 Sacramento Flood Control Agency.

19 The previous presentation gave you an overview of
20 what West Sacramento is planning to do in the future, and
21 specifically what I am bringing before you now in this
22 presentation is our project that we've had with the U.S.
23 Army Corps.

24 The board was acting as the nonfederal sponsor,
25 and the local sponsor is the West Sacramento Joint Powers

1 Authority. The purpose of this project was to increase
2 the level of flood protection for the city of West
3 Sacramento. And as was presented before us, we've seen
4 that the project raised and strengthened levees along the
5 Yolo Bypass and the Sacramento Bypass.

6 Just more specifically, you can see on the map the
7 reaches A, B, C, and D, were exactly where the
8 improvements were made. A, B, and C, were the reaches
9 along the Yolo Bypass, and reach D was along the
10 Sacramento Bypass.

11 The current status was, the project was completed
12 in 2005, and high water levels in January 2006 and
13 April 2006 caused two slips to occur after the levee was
14 reconstructed. So the purpose here, that we're bringing
15 before you here today, is that we need additional funds to
16 design and repair these two slips.

17 So the original cost of this project was
18 32.9 million, and now it's increased to about
19 40.1 million, roughly a 7.2 million increase.

20 Now, because of the cost share, the nonfederal
21 share of this increases about 1.8 million, and that would
22 be cost shared between the state and the local agency.
23 And the local agency has also reviewed and approved the
24 schedule and cost change request from the Corps, and they
25 are fine with the increase and they are ready to cost

1 share their portion.

2 And if you approve this resolution, then the
3 project condition will be estimated to be completed
4 September 2009.

5 And that concludes my presentation.

6 You met the folks from West Sacramento, so if you
7 have any questions for me or West Sacramento, also the
8 Corps Camp is here, Les Schmittner to answer any
9 questions.

10 SECRETARY DOHERTY: I have a question for you.

11 Why couldn't we have had this information before
12 just now? Did you have it already prepared?

13 MR. LEE: Which one?

14 SECRETARY DOHERTY: Well, this paper that I now
15 have in my hands now that will help me understand the
16 project.

17 MR. LEE: You mean the presentation?

18 SECRETARY DOHERTY: Yes. These resolutions.

19 MR. LEE: The resolution, you have in your packet.
20 The correction, I just made yesterday. I just noticed the
21 inconsistency two days ago. The presentation, I just
22 recently finished as well. For personal reasons, I was
23 off work for about a week, and I wasn't able to prepare it
24 earlier.

25 EXECUTIVE OFFICER PUNIA: Maybe a clarification.

1 The resolution, Board Member Lady Bug, was included in the
2 packet, but it has been slightly revised.

3 MEMBER BROWN: Why are we getting another copy of
4 that?

5 SECRETARY DOHERTY: Because he made some --

6 MEMBER BROWN: -- minor changes?

7 MR. LEE: There's two versions in front of you of
8 the resolution. One has a red line version on the second
9 page that clarifies the name of the West Sacramento Flood
10 Control Agency to the West Sacramento Joint Powers
11 Authority, which was what we had signed our original
12 contract with. That was their name when they had signed
13 the contract.

14 EXECUTIVE OFFICER PUNIA: Roger has given two
15 copies. Just one copy is showing where the change is, and
16 the second copy is the final version. The one copy just
17 strikes out words and showing the change on the second
18 page.

19 I think that may have caused confusion. So if you
20 got the two copies, one is the final version and one is
21 the strike out version showing where the change is.

22 Okay. Any other questions for Mr. Lee?

23 Mr. Hodgkins?

24 VICE PRESIDENT HODGKINS: Roger, what happened to
25 cause the slope slip in that levee? I mean, I assume the

1 Corps has gone back and sorted it out postmortem and we
2 must have missed something the first time through. Can
3 you tell me what it was?

4 MR. LEE: The soils in there are -- there are some
5 deficiencies in some of the soils there. We had some
6 preliminary borings done. There's going to be some more
7 geotechnical investigations that determine exactly what
8 those deficiencies are and to what extent they are.

9 VICE PRESIDENT HODGKINS: Okay. So the initial
10 work, the geotech may not have identified the
11 deficiencies?

12 MR. LEE: Correct.

13 VICE PRESIDENT HODGKINS: All right. But the
14 slips did and now we're going to fix them?

15 MR. LEE: Correct.

16 VICE PRESIDENT HODGKINS: Thank you. Thank you
17 very much.

18 PRESIDENT CARTER: Roger, on the presentation that
19 we just got from the applicant, they refer to themselves
20 as the West Sacramento Area Flood Control Agency, which is
21 a joint powers authority of three entities. And now, and
22 in this, we're changing it from West Sacramento Flood
23 Control Agency to West Sacramento Joint Powers Authority?

24 MR. LEE: Well, in our original agreement with
25 West Sacramento -- maybe Ken could speak to this. But in

1 your original agreement with West Sacramento Joint Powers
2 Authority, we had signed an agreement with them as that
3 name. So that's why I made the clarification in the
4 resolution. So contractually, we have it with the West
5 Sacramento Joint Powers Authority.

6 PRESIDENT CARTER: And that is their official
7 name? What do you call yourselves?

8 (Laughter.)

9 MR. RUZICH: We're not really sure. The original
10 agreement was in '95, a long time ago. And we were a
11 joint authority, so whoever prepared the local cost share
12 agreement with the state just called us the West
13 Sacramento Joint Powers Authority. But our official legal
14 name is the West Sacramento Flood Control Agency -- West
15 Sacramento Area Flood Control Agency.

16 But since the original agreement was called the
17 Joint Powers Authority, it just seemed more consistent to
18 have the change read the same.

19 PRESIDENT CARTER: Ms. Cahill, are you comfortable
20 with the way it's worded, given the change in the entity
21 names?

22 LEGAL COUNSEL CAHILL: I wasn't aware of this
23 until this very moment, and I can see the West Sacramento
24 people sitting out there sort of laughing. And I'm a
25 little bit concerned that we not refer to an agency that

1 doesn't exist.

2 So what you are telling us is, there is no West
3 Sacramento Joint Powers Authority. And so do you West Sac
4 people think the best way is to go back to the wording
5 that refers to the Sacramento Area Flood?

6 MR. RUZICH: We're content either way. We just
7 want a cost share agreement and move some dirt.

8 LEGAL COUNSEL CAHILL: Well, because you sent your
9 letter January 28th out, West Sacramento Joint Powers
10 Authority letterhead, as if it existed.

11 MR. RUZICH: We did that at the state's question.
12 The original letter actually did not say that.

13 LEGAL COUNSEL CAHILL: Okay. I think maybe what
14 we do -- I'm trying to think, somewhere here in these
15 whereases, we must have -- the second whereas, we talk
16 about the West Sacramento Joint Powers Authority. And
17 then the change that's been made in the second whereas on
18 the second page. And maybe we want to say, "Whereas in a
19 letter dated January 28, 2008, the West Sacramento Flood
20 whatever you really are, Control Agency parenthesis,
21 formerly sometimes referred to as the WSJPA, closed
22 parenthesis, agree with," so that it's clear that this is
23 a continuity. This is the very same entity, that's
24 correct?

25 MR. RUZICH: That is correct. That would be

1 great.

2 PRESIDENT CARTER: That's a good suggestion.

3 LEGAL COUNSEL CAHILL: And this particular
4 amendment isn't amending -- this amendment is not amending
5 the agreement with them.

6 PRESIDENT CARTER: No.

7 LEGAL COUNSEL CAHILL: That will be done, and so
8 maybe that's where we need to be careful. Direct staff to
9 complete negotiations with the amendment to the LPCA and
10 the PCA. And there, it doesn't mention who the LPCA is
11 with. So it would be understood that it would be with the
12 direct board, probably under its correct title, if it
13 needs to be amended at all, which is apparently an issue.

14 PRESIDENT CARTER: So I'm a little hesitant to
15 proceed without understanding exactly what this resolution
16 is going to say.

17 We need another paragraph, another whereas, that
18 establishes continuity between the West Sacramento Joint
19 Powers Authority and the West Sacramento Area Flood
20 Control Agency, is what I am hearing. And is that the
21 only change that we need?

22 LEGAL COUNSEL CAHILL: Yes, I think so.

23 I mean, there are two options. One is in the
24 second whereas; we could say, "The Reclamation Board and
25 the West Sacramento Joint Powers Authority," and then we

1 could put, "now known as the Sacramento Area Flood Control
2 Agency," did this. And then I don't know what you do on
3 the second page. Just leave -- I think maybe the easiest
4 thing is just on the second page, where this change was
5 made, we just say, "Whereas in a letter dated 28th,
6 2008" -- of course, the letterhead says they're known as
7 WSJPA.

8 You could say, "The WSJPA, comma, currently known
9 as the Sacramento Area Flood Control Agency, comma, agreed
10 with the changes."

11 SECRETARY DOHERTY: I think they have to know what
12 they want to be called. It's not up to us.

13 MEMBER BROWN: What do you prefer? What do you
14 want to go as?

15 MR. RUZICH: We are the West Sacramento Area Flood
16 Control Agency. It's just that the original agreement,
17 that the state wanted the modification to be the same as
18 the original agreement.

19 MEMBER BROWN: The question is, what do you want
20 to go as?

21 MR. RUZICH: We are the West Sacramento Area Flood
22 Control Agency.

23 LEGAL COUNSEL CAHILL: So I think maybe what we do
24 is, we say, "In a letter dated January 28, 2008, the West
25 Sacramento Area Flood Control Agency, parenthesis,

1 sometimes formerly known as the West Sacramento JPA,
2 closed parenthesis, agreed with the changes."

3 PRESIDENT CARTER: I apologize, gentlemen, but
4 we're going through an identity crisis as well, so we're
5 sensitive to these issues.

6 (Laughter.)

7 PRESIDENT CARTER: Okay. Is that acceptable to
8 everyone?

9 VICE PRESIDENT HODGKINS: We are only changing
10 this in the second page because the first page, the
11 whereas is a statement of fact.

12 LEGAL COUNSEL CAHILL: It's a statement of what
13 happened at that time, and at that time that was the name
14 that was used even though at the time it was probably
15 incorrect, even then.

16 PRESIDENT CARTER: And of course we were the
17 Reclamation Board back then as well.

18 LEGAL COUNSEL CAHILL: Right.

19 PRESIDENT CARTER: Okay. What's the Board's
20 pleasure?

21 VICE PRESIDENT HODGKINS: I will move approval of
22 the resolution with the changes noted by our attorney.

23 PRESIDENT CARTER: Okay. We have a motion.

24 Is there a second?

25 MEMBER BROWN: I will second.

1 PRESIDENT CARTER: Okay. We have a second.

2 Any further discussion?

3 All those in favor, indicate by saying "aye."

4 (Ayes.)

5 PRESIDENT CARTER: And opposed?

6 Fortunately, we still do have a quorum, so that
7 passes.

8 Very good. Thank you very much.

9 Okay. We are -- before we can sign this, we'll
10 need to get that second page revised.

11 EXECUTIVE OFFICER PUNIA: Yes.

12 PRESIDENT CARTER: All right.

13 We are on to -- let's see, there are no hearings
14 and decisions for today, so we're on to 14, Future Agenda.
15 I don't believe we have a draft future agenda in our
16 package, do we?

17 EXECUTIVE OFFICER PUNIA: I think we were not able
18 to complete the future agenda, but we have a few items
19 which, in our judgment, will be added to the agenda. I
20 will go through those projects, and then the Board members
21 can provide input on the guidance if they choose to.

22 PRESIDENT CARTER: Please do.

23 EXECUTIVE OFFICER PUNIA: Lorraine, do you have
24 copies for our Board's consideration, or do you want to
25 just go through the list?

1 STAFF ASSISTANT PENDLEBURY: Well, they can write
2 on this one, because there are two projects spelled out
3 there.

4 EXECUTIVE OFFICER PUNIA: Okay.

5 PRESIDENT CARTER: So the agenda that Lorraine
6 is -- the draft agenda that Lorraine is passing out today
7 has the typical boiler plate on the front page through
8 Item 7;

9 Nothing on Item 8 for consent calendar;

10 Project studies or agreements, consideration of
11 the acceptance of an assurance agreement regarding the
12 Knights Landing Ridge Drainage district. So the drainage
13 district would be assuming the maintenance and
14 responsibility for the orphaned piece of levee that the
15 Board discussed several months ago.

16 West Sacramento Area Flood Control Agency,
17 consider a 408 letter.

18 And there's nothing else.

19 Are there additional items?

20 EXECUTIVE OFFICER PUNIA: Yes, we may add -- I
21 think we will work with Anna Hegedus and her staff that
22 whether we will be ready for the section 104 letter or
23 not, so they have submitted a request for 104 also. So we
24 will have a 408 request, and we may have section 104
25 request also.

1 PRESIDENT CARTER: For West Sacramento?

2 EXECUTIVE OFFICER PUNIA: For West Sacramento.

3 PRESIDENT CARTER: Okay.

4 EXECUTIVE OFFICER PUNIA: And under Hearings and
5 Decisions, we will have Sacramento Area Flood Control
6 Agency's project for modifications to the project on the
7 east side of the Sacramento River. I don't have the exact
8 language, but last time the Board approved the 408 request
9 and now SAFCA will be bringing -- asking the Board to
10 approve a permit for project modifications on the east
11 side of the Sacramento River in the Natomas Basin.

12 SECRETARY DOHERTY: Mr. Punia, they just said
13 600 feet of slurry wall. Now they've got a thousand feet
14 of slurry wall.

15 EXECUTIVE OFFICER PUNIA: I think when they
16 submitted the application, it was listed a thousand, and
17 they may have notified the project description based upon
18 the FEMA situation. So we will resolve these issues
19 before bringing it back to the Board.

20 And Dan is also working with LD1, and tentatively
21 scheduled for March, but we need to revisit whether we
22 were ready or not. This is the levee setback in Sutter
23 County in Levee District No. 1. We have already issued
24 the 408 request for this, and now we are planning to bring
25 the permit for Board's consideration. So this will be

1 under Hearings and Decisions.

2 PRESIDENT CARTER: We have done not only 408, but
3 also a 104 request for that project.

4 EXECUTIVE OFFICER PUNIA: That's correct.

5 PRESIDENT CARTER: So this is the LD1 permit.

6 EXECUTIVE OFFICER PUNIA: Yes. It's tentative at
7 this time, but we are working with the applicants. If
8 they are able to provide all the information, we may be
9 able to schedule it for March hearing.

10 PRESIDENT CARTER: Okay. Anything else?

11 EXECUTIVE OFFICER PUNIA: I think those are the
12 main items on the drawing board at this time. And we are
13 going to revisit the other applicants and with the staff.

14 Dan is sick today, and Eric is on vacation, so we
15 are going to regroup. And if there's any other projects
16 added to the list, we will work with a subcommittee
17 dealing with the agenda.

18 PRESIDENT CARTER: Okay. Are there any other
19 additional items that the Board would like to have? Any
20 ideas?

21 VICE PRESIDENT HODGKINS: Maybe we could put an
22 informational briefing on the Levee Safety Summit under
23 informational briefings, and we'll try and keep that under
24 15 minutes.

25 And then I am wondering, in terms of our zero

1 based program approach, if we need to put that on here
2 somewhere. Maybe that's something we just need to see
3 where we get to and then decide.

4 PRESIDENT CARTER: Yes. I was going to propose
5 that we maybe have a special meeting for that.

6 VICE PRESIDENT HODGKINS: That's all right. You
7 already did that. I'm sorry. I forgot.

8 PRESIDENT CARTER: So I was hoping that perhaps we
9 could have a special meeting on that before this Board
10 meeting. If we can't have one -- if we can't schedule one
11 before this Board meeting, we will have an update at this
12 Board meeting followed probably by a special meeting
13 between the March and April meetings.

14 How does that sound?

15 SECRETARY DOHERTY: This is Good Friday.

16 PRESIDENT CARTER: March 21st is Good Friday?

17 Does that present a problem for everyone?

18 SECRETARY DOHERTY: I just thought it might for
19 somebody.

20 PRESIDENT CARTER: Okay. So we'll proceed on that
21 plan, then. We'll try and schedule something between now
22 and the 21st. If we can't do that, then we will have an
23 update at this meeting and followed by a special meeting
24 to discuss the transition and staffing between March and
25 April.

1 Okay? All right.

2 Anything else?

3 Staff, are you aware of anything else that we need
4 to consider putting on the agenda?

5 CHIEF ENGINEER HESTER: Not at this time.

6 PRESIDENT CARTER: Okay. Very good. We'll
7 proceed in that direction.

8 At this time, what we would like to do is now move
9 into our closed session to consider the annual performance
10 of the executive officer pursuant to Government Code
11 Section 11126(a)(1).

12 So we will be asking staff to excuse themselves.

13 And Ms. Cahill, if you could please stay with us.

14 MR. SHAPIRO: Ben, are you going to do Board
15 reports afterwards?

16 PRESIDENT CARTER: We already did those.

17 MR. SHAPIRO: Oh.

18 PRESIDENT CARTER: We did those at 11:33.

19 SECRETARY DOHERTY: You snooze, you loose.

20 MR. SHAPIRO: I wasn't snoozing. My wife came to
21 run errands with me. I had to do it.

22 Thank you.

23 You don't have to put that on the record.

24 THE REPORTER: Too late.

25 PRESIDENT CARTER: It is memorialized.

1 Do we want to close this completely, or do we want
2 to ask Kathryn to continue to record?

3 SECRETARY DOHERTY: I think that's up to Jay.

4 EXECUTIVE OFFICER PUNIA: That's fine with me, if
5 Kathryn wants to take it easy and Ginny can take notes.

6 PRESIDENT CARTER: Is everyone comfortable with
7 that?

8 VICE PRESIDENT HODGKINS: You're excusing her?

9 PRESIDENT CARTER: No. The proposal is to ask
10 Kathryn to keep a record.

11 VICE PRESIDENT HODGKINS: Just need to be sure
12 this is not posted.

13 MEMBER BROWN: I'm comfortable with just Ginny.

14 PRESIDENT CARTER: So you would like to excuse
15 Kathryn?

16 MEMBER BROWN: I think that's all we need.

17 PRESIDENT CARTER: Okay. Kathryn, you're free.

18 And the next item is adjourn. I don't know
19 whether you need to be here for that or not. We
20 technically have to come out of closed session and then
21 adjourn the meeting.

22 THE REPORTER: I'll just get the ending time from
23 Lorraine and note that in the transcript.

24 EXECUTIVE OFFICER PUNIA: We will make a note.

25 SECRETARY DOHERTY: Can we take a break for about

1 five minutes?

2 PRESIDENT CARTER: Yes. Let's take a break.

3 (Thereupon a break was taken in

4 proceedings.)

5 (Thereupon the Board entered into closed

6 session.)

7 (Thereupon the California Central Valley

8 Flood Protection Board meeting adjourned at

9 4:00 p.m.)

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1 CERTIFICATE OF REPORTER

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3 I, KATHRYN S. SWANK, a Certified Shorthand Reporter
4 of the State of California, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Central Valley Flood Protection Board Meeting,
7 was reported in shorthand by me, Kathryn S. Swank, a
8 Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand this
14 27th day of February, 2008.

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23 KATHRYN S. SWANK, CSR

24 Certified Shorthand Reporter

25 License No. 13061